



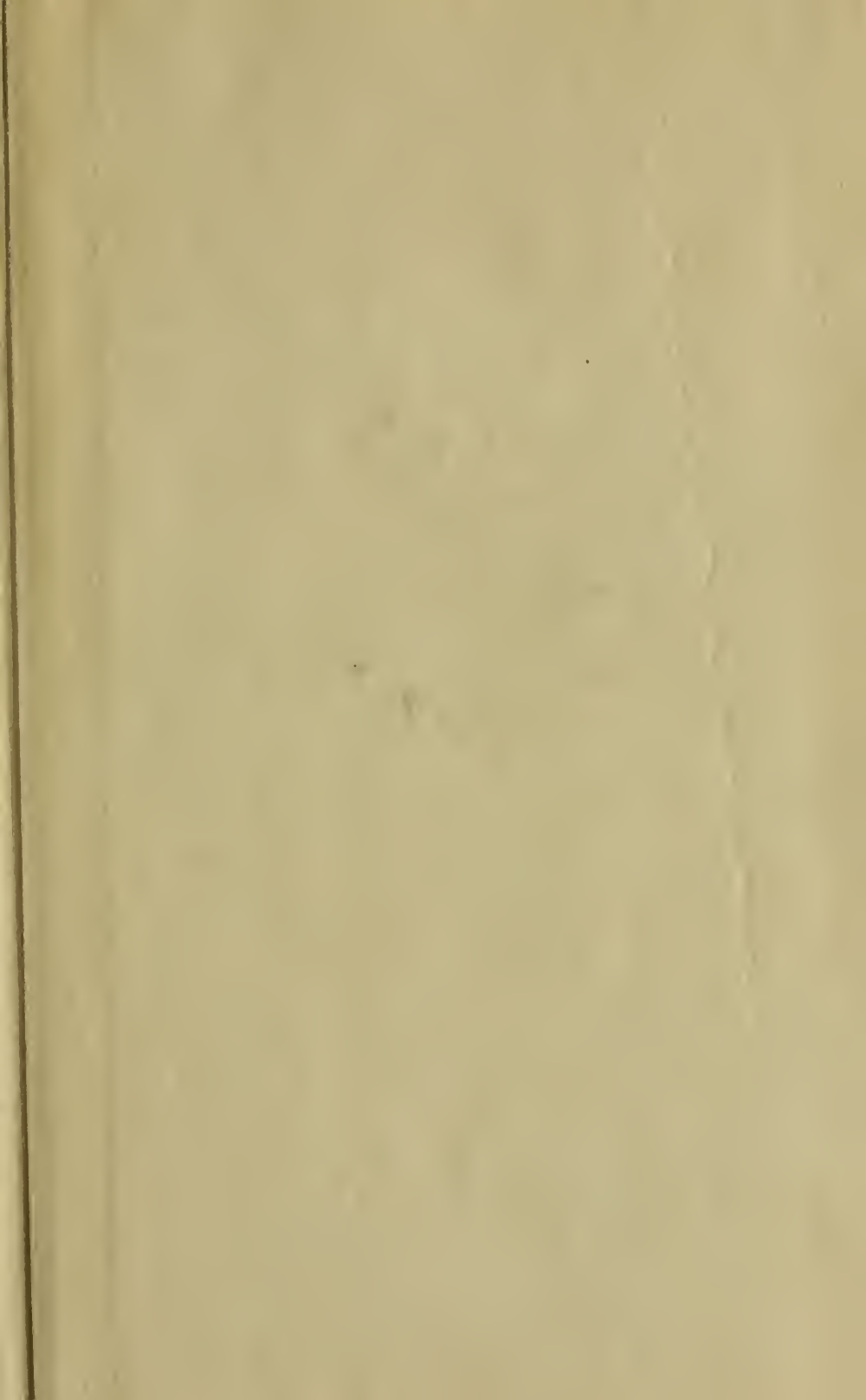
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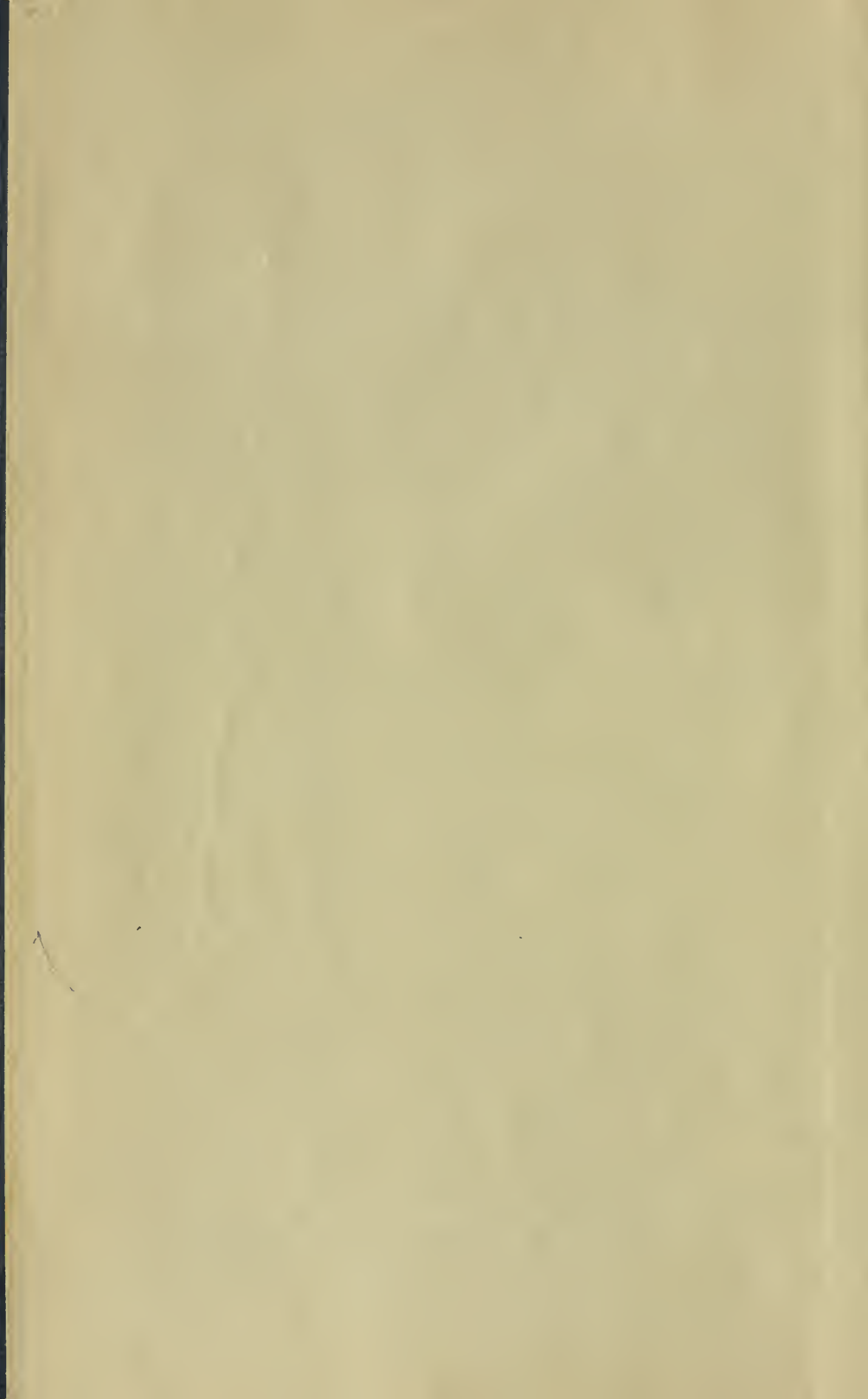
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**SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

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*Blue book*

**HEARING**

BEFORE THE

**SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE**

**EIGHTY-THIRD CONGRESS**

**SECOND SESSION**

**PURSUANT TO**

**S. Res. 189**

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**PART 41**

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**MAY 26, 1954**

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## CONTENTS

---

Index.....	Page 1551a
Testimony of—	
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on Investigations.....	1550

### EXHIBITS

	Intro- duced on page	Appears on page
24. Records submitted by the Chesapeake & Potomac Telephone Co.....	1517	(1)
25. Records submitted by the New York Telephone Co.....	1517	(1)

<sup>1</sup> May be found in the files of the subcommittee.

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SPECIAL SENATE INVESTIGATION ON CHARGES AND  
COUNTERCHARGES INVOLVING: SECRETARY OF THE  
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE  
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,  
AND FRANCIS P. CARR

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WEDNESDAY, MAY 26, 1954

UNITED STATES SENATE,  
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

AFTER RECESS

(The hearing was resumed at 2:15 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota (chairman); Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Ruth Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; and Frederick P. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. The committee will come to order, please.

The Chair will again begin by welcoming the folks who have come here as guests of the committee to attend this hearing. You are welcome. I call your attention to a standing rule of the committee which forbids any manifestations of approval or disapproval of an audible nature by any member of the audience at any time. The officers that you see before you and the plainclothes men scattered through the audience have a standing instruction from the committee to remove from the room immediately, but politely, anybody who at any time violates the terms under which you entered the room, which was to refrain entirely from manifestations of approval or disapproval.

The Chair has two announcements to make. He is very certain of the context of the first.

After discussion around the table, it was decided by general agreement that, inasmuch as Monday of next week is a legal holiday, there will be no meetings of the committee on the legal holiday. So when we adjourn on Friday we will recess until Tuesday morning at 10 o'clock.

We also had a meeting on the question of the monitored telephone calls. Mr. Welch produced a new form of a new statement which had been signed by Mr. Stevens and Mr. Adams. It was signed by all of the members of the subcommittee, the seven members of the subcommittee. The Chair understands that the monitored telephone calls involving Senator McCarthy, Mr. Cohn, and Mr. Carr, have now been turned over to the custody of Counsel Jenkins, and that with these additional signatures, any calls involving members of the subcommittee are also to be turned over to Counsel Jenkins.

Counsel Jenkins is going to spend a considerable portion of tonight, whatever time is necessary, with his staff, determining which calls are relevant and whether there are any items of security from the standpoint of our national security interests involved in any of the calls.

In connection with their introduction as evidence, once the subcommittee has decided, on the advice of counsel, which calls are relevant and to be introduced, we will ask whoever happens to be on the stand at the time, whether it be somebody representing the position of Mr. Stevens and Mr. Adams or somebody representing the position of Senator McCarthy, Mr. Cohn, and Mr. Carr, to step down at that time so that we can introduce those calls with the least possible amount of delay.

That is as the Chair understands what occurred at our executive session.

Senator McCARTHY. Mr. Chairman, when I came in the door I understood you to say that Senator McCarthy had not signed the consent. I think it should be made clear that all of my monitored calls, all of Mr. Cohn's, all of Mr. Carr's, are already in the hands of Mr. Jenkins.

Senator MUNDT. That is correct. The Chair said that. The Chair said that those whose calls had not yet been delivered from the custody of Mr. Welch to the custody of Mr. Jenkins have now signed an agreement. We have all signed the same agreement. So Mr. Welch is able to deliver to Mr. Jenkins those calls under the same restrictions and on the same basis that your calls have been delivered to Mr. Jenkins.

Senator McCARTHY. Thank you.

Senator McCLELLAN. Mr. Chairman, a point of inquiry.

Did I understand the Chair to say that all the principals and all members of the committee have signed the agreement?

Senator MUNDT. I think there is one exception to that. I do not know whether Mr. Schine is considered under the heading of a principal or not. He was not at the meeting. He did not see the agreement. So of course he signed nothing.

Mr. COHN. He has already signed that form. He signed it 3 weeks ago.

Senator MUNDT. Very well.

On the basis of that information, I presume that the calls of Mr. Schine either have been delivered to Mr. Jenkins or are now deliverable.



Mr. Counsel, you will call the next witness for the presentation of the Stevens-Adams side of the case.

Senator Symington?

Senator SYMINGTON. Mr. Chairman, I have a wire here which I would like to put into the record, from Mrs. Dorothy Schiff, publisher of the New York Post. The wire reads as follows:

As you know, Senator McCarthy this morning repeatedly characterized the New York Post as a Communist sheet. He has previously made similar false and ridiculous charges against the New York Herald Tribune, the New York Times, the Washington Post, the Baltimore Sun, and the magazine published by Henry Luce—

whether it means published by, I don't know, but that is the way it reads.

You have known me and my family for over 25 years. You have heard the testimony of our editor, Jimmy Wechsler, when he was called before the McCarthy committee. I know that you know of my devotion to democracy and my hatred of both communism and fascism at home and abroad. But for the benefit of millions of people who may not know me or my newspaper, I would appreciate it if you would read this statement into the record of the hearing today.

Sincerely,

DOROTHY SCHIFF,  
*Publisher, New York Post.*

Senator MUNDT. Mr. Prewitt?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I think in view of that wire from—what is it, the publisher? I think I should comment on it. I think maybe she has one point in that wire. If I referred to it as a Communist sheet, I should have referred to it as a Communist-line sheet. I will be glad to correct the record. I don't think that they get their directions, as the Daily Worker does, direct from the headquarters of the Communist Party. It is a complete Communist-line newspaper. I want to say that while I have discussed the infiltration of certain elements of the press and the extent to which they have aided the Communist cause, I feel that the New York Post is in a class almost by itself. It is not—while I refer to it as the Daily Worker, it is not technically under the discipline, I assume, of the Communist Party. I don't know. It would appear to be. But they do follow the Daily Worker's editorials, completely paralleling them, rendering a great service to the Communist Party. The editor of the paper admits that he was one of the top functionaries of the Young Communist League; claims to have reformed. No indication of reform.

Certainly he has never done anything like what the certain individuals who were members of the party, and who have reformed, have testified have done. He continues to attack the FBI. He continues to attack any committee, anyone exposing Communists.

May I just say this one word, Mr. Chairman? I do this because of the wire. When I refer to the elements of the press which have been infiltrated and doing a great service to the Communist Party, I hope that I always make it clear that the vast majority of the press are performing a great service in bringing the news to the American people.

Take, for example, the working press here. At least 90 percent of them, I think, are some of the finest Americans I have ever met. So we will make no mistake about any claim that all of the press are Communist controlled.

Just one further word, Stu. We know that one of the aims, one of the orders of the Communist Party has been to infiltrate the press and control that media of information. I feel they have done that thoroughly insofar as the New York Post is concerned. I feel that is next to the Daily Worker, paralleling its line, doing a great service to the Communist Party.

Apparently you disagree. We gain nothing, I assume, by discussing that any further.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. Senator Symington, the Chair will hear you briefly and again make the plea that we get on with the case at hand, because certainly among our problems is not an investigation of the New York Post.

Senator Symington?

Senator SYMINGTON. Mr. Chairman, there has been much discussion of the Federal Bureau of Investigation, commonly termed the "FBI." In all the six positions that I held on the executive side of the Government, I always had next to me either an FBI man or an FBI-trained man. In the Air Force today is one of the greatest boys the FBI has ever put out. He is now a major general in the Air Force, and he handled those matters. The only reason that I bring this up is, with all due respect to any member of this committee or any member of this committee's staff, I think I know Mr. J. Edgar Hoover as well as any other member of the committee, and I know that I admire him at least as much as any other member of the committee.

Thank you.

Senator MUNDT. Mr. Prewitt, you will call the next witness to present the Stevens-Adams side of the case.

Mr. PREWITT. Mr. Sampson?

Senator MUNDT. Is Mr. Sampson in the room?

Will you raise your right hand, please. Do you solemnly swear, Mr. Sampson, that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SAMPSON. I do.

Senator MUNDT. You may be seated.

Mr. Prewitt?

Mr. PREWITT. Mr. Chairman, I should make this statement. Mr. Sampson, as well as the witness that will follow him, Mr. Seavey, are representatives of the Chesapeake Telephone Co. and the New York Telephone Co., respectively. We propose now merely to introduce into evidence—

Senator McCARTHY. May I say, to save time, I will be glad to concede that the record of phone calls are from the telephone company, and as far as we know it is an accurate list of the phone calls, if that will save time.

Mr. PREWITT. If that is agreeable to all parties, I see no reason why it can't be introduced in evidence by consent. All of the records of the two telephone companies.

Senator MUNDT. Is there any objection on the part of anyone to accepting that as sworn testimony on the representation of Mr. Sampson?

The Chair hears none.

Mr. PREWITT. With this provision, Mr. Chairman, that photostatic copies of the original phone tickets may be introduced by consent.



Senator McCARTHY. May I suggest that before you introduce the calls in evidence, that Mr. Jenkins decide which ones are pertinent. I think any phone calls from the committee to Mr. Schine and any calls from him to the committee, and perhaps other calls, may be pertinent. I question the wisdom of making public the names of all the people that Mr. Schine might have called, and I will be glad to rely upon Mr. Jenkins' judgment on that.

Senator MUNDT. May the Chair say he has discussed that with the counsel. An agreement has been reached on that. Mr. Welch has no disposition to embarrass people who are not going to be called as witnesses. He has taken it up with Mr. Jenkins, and the calls are being introduced with that understanding.

Mr. PREWITT. Mr. Sampson, will you deliver to Mrs. Watt—

Senator MUNDT. Mrs. Duckett is replacing Mrs. Watt today, Mrs. Watt's husband being ill. So you will give them to Mrs. Duckett.

Mr. PREWITT. So they may be marked appropriately.

Senator MUNDT. Will you mark them with the appropriate exhibit numbers, Mrs. Duckett?

(The documents referred to were marked as "Exhibits Nos. 24 and 25" and may be found in the files of the subcommittee.)

Senator MUNDT. Mr. Jenkins, do you have another witness to call in the presentation of the Stevens-Adams side of the case?

Mr. JENKINS. Mr. Chairman, I desire at this point to read a letter addressed to me of May 13:

DEAR MR. JENKINS: At the hearings on May 10, Mr. Cohn and Senator McCarthy brought up the Peress case. On page 2246 of the transcript the following appears:

"Mr. COHN. Mr. Secretary, will you now tell us the name of the person or persons who gave an honorable discharge to the Communist major, Maj. Irving Peress?"

"Mr. JENKINS. Mr. Chairman, it is my opinion that that question and any answer elicited thereby would be wholly irrelevant to the issues of this controversy."

Mr. Cohn and Senator McCarthy pressed further, however, for the names of the officers, as revealed by the inspector general's report, who had anything to do with the various personnel actions concerning Peress. After further discussion, the following appears on page 2250:

"Mr. JENKINS. I certainly know of no reason to reverse the position I have taken, Mr. Chairman. I think it is sound and still renew my objection."

And then on page 2266 you stated:

"\* \* \* And then the names, as I understand it, the chairman ruled are to be submitted to this committee or me, as its counsel, *privately, and without exposing their names.*"

At the top of page 2268, Chairman Mundt stated:

"\* \* \* The other names requested by Mr. Cohn *should be submitted confidentially*<sup>1</sup> and to counsel for our committee because we don't want to expand the circle of witnesses any more than necessary."

I have talked with the Chief of the Investigations Division, Inspector General's Office, and the senior investigating officer in the Peress case. Accordingly, I now submit to you, in the attached envelope, the names requested. I do so as a personal and private communication and ask that these names be handled by you in line with the quotations mentioned above.

Sincerely yours,

ROBERT T. STEVENS,  
Secretary of the Army.

Attachment.

<sup>1</sup> Italics supplied by the writer.

Mr. JENKINS. Pursuant to that letter, Mr. Chairman, another envelope addressed to me as special counsel for this committee and marked "confidential" was delivered. It is a sealed envelope. It has not been opened by me and I have not, of course, examined the contents of it. I presume that it contains the information set forth in the Secretary's letter to me of May 13.

We have consulted the record, the transcript of the proceedings in this case. The quotations set forth therein are correctly set forth. Pursuant to that, Mr. Chairman, I see nothing to be gained by me as counsel keeping this confidential report containing the information requested by Mr. Cohn since it was to be delivered to me and to no one else, and I now ask the chairman's permission to return it to counsel for the Army, because it is given to me on condition that I not reveal its contents. No purpose whatever could be gained by my retaining it in my possession. I am not cleared for the confidential information, I would feel greatly relieved, Mr. Chairman, if I am allowed to be unburdened of this highly confidential and secret information.

Senator McCARTHY. Before the Chair makes a ruling—

Senator MUNDT. Senator McCarthy, the Chair will be glad to hear you.

Senator McCARTHY. Before the Chair makes any ruling, as chairman of the permanent subcommittee which has been attempting to get this information for months, not as chairman of this committee, I will at this time order that Mr. Jenkins not turn it over to us—I don't want to go into that now—but not put that beyond our control. I am saying that not as counsel for Mr. Cohn or Mr. Carr in this investigation of today. We have been trying to get the names of those who promoted, who protected, who covered up this Communist major. Our attempt to get that brought on these hearings, has held up our exposure of Communists now for weeks. As chairman of the Permanent Committee Investigating Communists I will now issue what may be called a subpoena. I will not ask that it be turned over to us. It has been given to Mr. Jenkins in a confidential nature. I will discuss that with him and discuss it with the Chair. But I don't want it put beyond his control, regardless of what the Chair does in this particular case—period.

Senator MUNDT. The Chair recalls the colloquy which produced the envelope in question. It developed out of a series of interrogatories emanating from the McCarthy-Cohn-Carr end of the table, to the effect that these hearings perhaps were retarded to a date when the Secretary of the Army could make available to his committee, as contrasted with this special committee, the information on the Peress case. It grew out of the introduction and the testimony of the so-called memo of understanding in which the Secretary of the Army, Mr. Stevens, agreed that after the inspector general's report was made he would provide the information therein to the regular investigating committee, and again as contrasted with this committee.

Finally, to the end that we could get on with the hearings and that we could demonstrate, if possible, that it was delaying that determination on the part of Mr. Stevens, he was requested to provide in a confidential manner to our counsel the information so that Senator McCarthy and his associates could be assured of the fact that that information had now been defined, had been isolated, and was available to them under the terms of the memo of understanding at an appro-

priate time when he returned to the chairmanship of the committee. I think it has fully accomplished its purpose.

I do not feel that we should continue to hold Mr. Jenkins responsible for the information, because he doesn't, as he says, have any right to open it under the terms of the agreement.

Senator McCARTHY. May I say, Mr. Chairman, I just want to make this very clear for the record. As the Chair knows, it isn't necessary to serve a written subpoena upon a witness who has evidence. Under all the rulings, if the witness is notified, that certain information which he has is needed by a committee, that is sufficient. So Mr. Jenkins will consider that a subpoena duces tecum is being served upon him. I am not asking him to turn it over at once now. I am asking him to keep it until such time as he can advise with Chairman Mundt. If counsel turns it over now, I will hold him responsible, because I don't want it to go beyond our control.

Senator MUNDT. Insofar as the Chair is concerned, he believes that the communication has served its purpose. He is perfectly willing to discuss with his colleagues in an executive session, sometime, any motion that might indicate what disposition counsel should make of it. He suggests for the time being he continues to keep it in his possession and in a confidential status.

Mr. JENKINS. Very well, Mr. Chairman.

Senator McCLELLAN. Mr. Chairman, may I ask a question?

Senator MUNDT. Mr. McClellan.

Senator McCLELLAN. Was that submitted for the purpose of this committee to open it and know what is in it, or what conditions are attached to it?

Senator MUNDT. It was suggested with the requirements that counsel has read with the excerpts from the testimony. It was submitted to demonstrate so that we all know that the ascertainment has been made that the Department of the Army now knows who was responsible for the Peress situation, and in demonstration of that fact has submitted that information to our counsel in conformity with the colloquy in which we said it should be submitted on a confidential basis and not for publication.

Senator McCLELLAN. If I may inquire further, so far as I am personally concerned, and as a member of the committee, both in this capacity we are now serving and of the regular subcommittee, so far as I know at the moment, there is no reason why the committee should not have the information. I don't understand why it is submitted to this committee if we don't need it and have no responsibility for it or it is not pertinent to the issues in this case. I am trying to determine whether it is submitted, though, with the understanding that it is not to be revealed to the regular subcommittee when it resumes. If so, we should determine about that. I think possibly the committee is entitled to it, whether they can sit or not, but I don't want us to take a position here that violates a condition upon which the documents are submitted, until we know that it is either being made available or that we issue the subpoena to the proper source, because they have the same information, and a subpoena should be issued to the Army to deliver it to the regular committee.

Senator MUNDT. Could the Chair say that he is in complete agreement with the position of the Senator from Arkansas, that certainly the interest in the Peress case is nationwide. It is public business.



The answer should be made public. But the avenue for making the information public probably is more appropriately the subcommittee when Chaired by Senator McCarthy in its ordinary status rather than this. But he will ask the counsel to examine carefully the background by which we got this information, and as the Senator from Arkansas suggests to inquire of the Secretary of the Army whether he will permit us to make it a part of this particular record.

Senator McCLELLAN. Mr. Chairman, just this one point. As of now, so far as I know, I think this information should be required by the regular subcommittee. I am not defending the Army, but I don't want to get something through the back door. I want to go right direct with a subpoena to the Army and get it and bring it up here. That is my advice.

Senator JACKSON. Mr. Chairman, a parliamentary inquiry.

Senator McCARTHY. I would like Senator McClellan to yield for a minute. Senator, may I say to you, as ranking member on the Democratic side of the Permanent Investigating Committee, that while I have asked that the material be held in status quo, before I order this used or turned over to the committee it will be taken up with my full committee as soon as this investigation is over. No use of that will be made. I will not ask that it be turned over to me until the other six Senators on the regular investigating committee make their decision.

Senator McCLELLAN. I say to the Senator I see no objection to holding it, but I like to do it direct. I would like to subpoena the Army and have them bring it up here, just like this committee got it.

Senator McCARTHY. I don't want it put beyond our control in case we decide we are entitled to it.

Senator JACKSON. A parliamentary inquiry, Mr. Chairman. A reference is made to a memorandum of understanding.

Senator MUNDT. Yes. I am sure you are not as innocent about the contents of that as your face might indicate. It is a memorandum of understanding in which you did not participate. It is what our colleague from Arkansas refers to as a Republican luncheon which we held with Secretary Stevens.

Senator JACKSON. I am not bringing in partisanship. I didn't bring in the memorandum of understanding. But I want to make clear I know of no memo of understanding by which I am bound or my colleagues on this side are bound.

Senator MUNDT. That is correct. It was made with the Secretary of the Army, an agreement made at that time.

Senator JACKSON. I don't think it ought to be in these proceedings.

Senator SYMINGTON. Could I make an inquiry?

Senator MUNDT. Surely.

Senator SYMINGTON. What was the memorandum of understanding?

Senator MUNDT. I am sure I can't quote it verbatim, but one of its provisions was that the Inspector General was going to go into the Peress matter rather than have our committee continue to explore it. When the Inspector General had made his report, the information would be made available to our committee. That is not a verbatim quotation, and don't quote me like you quote Lucas, because I don't take it down in shorthand. You may proceed, Mr. Jenkins.

Mr. WELCH. Mr. Chairman.

Mr. JENKINS. Mr. Welch apparently has a point of order.

Senator MUNDT. Have you a point of order?

Mr. WELCH. I am not clear that both sets of telephone records have been submitted.

Senator MUNDT. Yes, indeed. There is no question about that, I am sure, any place around the table.

Mr. Jenkins.

Mr. JENKINS. Mr. Chairman, I think I have an announcement that will be received very happily. Before making that announcement, I should like to make inquiry of Mr. Welch with respect to 1 or 2 matters.

Mr. Welch, as counsel for this subcommittee, I have endeavored to the best of my ability to develop the Army's proof. As far as I know, I have put on the witness stand each and every witness you have asked me to put on. There were some 2 or 3 additional witnesses here today we expected to use for the Army. You and I explored their testimony together, and decided that it was either cumulative, or that it was not particularly material at this time.

Are you now satisfied, Mr. Welch, for us to close the Army's case with the understanding that you are not precluded from putting on any material rebuttal proof?

Mr. WELCH. Thank you for giving me this opportunity. You do now have what you might call the prima facie witnesses for the Army. There are at least two other witnesses that I understand will be called as committee witnesses, if not otherwise called.

One is Pvt. G. David Schine, and the other is Mr. Frank Carr. I do not by anything I say now wish to indicate that I have no interest in these two witnesses. I do. But, as to the prima facie case, as to the original witnesses which I wished to have called, you have treated me, Mr. Jenkins, with the utmost consideration. You have been prepared to put on at least two witnesses that were cumulative as to the Fort Monmouth incident, when Mr. Cohn was excluded from the laboratory, who were cumulative. They were excused in part because of the Senator saying yesterday that he would concede that Mr. Cohn was at least angry on that occasion. So I have been able to contract the Army's prima facie case to that extent, and subject only to what I say here, that you have called the witnesses as I have asked you to call them.

Mr. JENKINS. Mr. Welch, thank you very kindly for what you have said. But I am about to close the Army's case unless there is a specific objection on your part. The only way I can honorably do it, sir, is to have your unconditional consent so to do, and I expect to call upon Senator McCarthy to make the same public announcement when I shall have finished the presentation of his case.

Mr. WELCH. There is this difference, Mr. Jenkins, between this and an ordinary lawsuit. This is a hearing in which it is, as I conceive it, your duty, Mr. Jenkins, to call for all the facts. You, as I have constantly said to the newspapermen when they would say to me who was the Army's next witness, I have said, "Mr. Jenkins calls the witnesses," and you certainly do. You have now called all the witnesses that I have asked you to call to make a prima facie case as I have indicated. I have wanted, however, to make it very carefully a matter of record that I do not wish to exclude from this the fact that I consider it part of your duty to call the two men that I have mentioned if they are not

otherwise called, meaning Schine and Carr, and failing that, if you failed to call them, in the last analysis I would wish to insist on my own part that they be called.

Mr. JENKINS. At any time during the proceedings you, as counsel for the Army, Senator McCarthy, and Mr. Cohn, are invited to criticize any dereliction of duty on my part and to request me publicly to put on any witness that I haven't put on. I welcome that.

Mr. WELCH. Thank you, sir.

Mr. JENKINS. Now, Mr. Chairman and members of the committee, I very happily announce that we have concluded with the Army's case, and I now desire to call as the first witness for the Senator McCarthy staff, Mr. Roy M. Cohn.

Senator DWORSHAK. Mr. Chairman.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. I now move that the charges involving Mr. Struve Hensel be dismissed for lack of any testimony whatever involving him or sustaining said charges, and that he no longer be considered a party in interest in this controversy, and be dismissed as a witness; and also that at this time the charges preferred against Mr. Frank Carr be dismissed because the proof and testimony concerning Mr. Carr are wholly insufficient to sustain said charges. I further move that he no longer be considered a party in interest in this controversy, and that he also be dismissed as a witness.

Senator MUNDT. Is there a second to the motion?

Senator DIRKSEN. I second the motion.

Senator MUNDT. Is it seconded? Did I hear a second?

Senator DIRKSEN. I second the motion.

Senator MUNDT. Senator McClellan?

Senator MCCLELLAN. Mr. Chairman, I trust the Senator will make his motions separately. The first motion, to dismiss these charges against Mr. Hensel, is manifestly unfair to those who made the charges. They have not had an opportunity to testify against Mr. Hensel. Whether they want to withdraw the charges, I do not know, but the charges against Mr. Hensel were made by Senator McCarthy and Mr. Cohn, and Mr. Carr possibly, and they have not had a chance to prove their case against him.

We have been hearing charges made by the Army against the other side. I insist that that motion is premature, that it would be manifestly unfair to Senator McCarthy, who made the charges, and I respectfully urge the Senator to withdraw it.

Senator JACKSON. Mr. Chairman, I wish merely to add to that by saying that the charges with reference to Mr. Hensel are certainly not a part of the Army's case under the document before us. I would not be able to understand the theory on which a motion to dismiss with reference to Mr. Hensel would lie when no one could conceivably be called, up to this time, to testify on those charges. I do not understand the theory on which we can proceed with reference to Mr. Hensel, and I heartily concur in the statement made by my colleague, Senator McClellan.

Senator DIRKSEN. Mr. Chairman.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Mr. Chairman, this committee is sitting in judgment upon people who are involved as principals in the case, notwithstanding the fact that it was agreed at the outset that this is not an



adversary proceeding. I believe, however, there is a duty on this committee, sitting as judge and jury, even as there is upon a court where litigation takes place, that insofar as possible the convenience of the litigants be respected; that wherever they are immobilized, that inconvenience be terminated as quickly as possible; that if any participant feels he is in jeopardy in any way that that jeopardy be resolved as quickly as possible.

So here, as elsewhere, I think this motion is not only in order, but I think it is the duty and the responsibility of this committee, sitting in judgment, to take cognizance of it and to relieve any participants unless there has been testimony and proof somewhere along the line that would indicate otherwise.

Thus far, Mr. Chairman, there has been no proof to sustain the charges against Mr. Hensel, and I think this committee is almost in duty bound, under the circumstances, and in the interest of expedition, to support his motion to strike.

With respect to Mr. Carr, his name has been used very freely all through these hearings. About the only thing in derogation of Mr. Carr that I gleaned from the long testimony by Mr. Adams, the counselor to the Army, was that by his silence he may have given consent. That is entirely on the negative side, Mr. Chairman, and not on the affirmative side, and in the circumstances I do not believe it fair that we immobilize Mr. Carr any longer and keep him from his regular duties if he wants to repair to them.

On the basis of the record thus far—and it is a pretty long record—there has been no proof to sustain the charges, and I think the motion to strike is eminently in order, and that it ought to be sustained, and that in fairness to these participants we now say, instead of waiting for the long interim period when a report will be filed, that insofar as these two participants are concerned, that their identity with this proceeding be concluded forthwith. I think the motion should be sustained.

Senator JACKSON. A parliamentary inquiry.

Senator MUNDT. Senator Jackson?

Senator JACKSON. May I inquire of the Chair whose case has been presented from the time the hearing was started up until now?

Senator MUNDT. Up until now we have been presenting the side of the case represented by the charges made by Secretary of the Army Stevens and by Mr. Adams, as the case has been organized and presented to us under the direction of Mr. Welch and Mr. St. Clair.

Senator JACKSON. A further parliamentary inquiry.

Does the record show, based on the complaint filed here and the pleadings, so to speak, if I may use that term, is there anything in the pleadings which indicate that the Army brought charges against Mr. Hensel. A parliamentary inquiry.

Senator MUNDT. Not to the best recollection of the Chair.

Senator JACKSON. Mr. Chairman, I ask a further parliamentary inquiry. On what theory—not a legal theory but a theory of common sense—would a motion lie to dismiss charges against someone who has not been called upon to offer proof?

Senator MUNDT. The Chair is persuaded by the arguments presented by Senator Dworshak and Senator Dirksen, in connection with the general overall picture which we now confront, to wit: On two different occasions motions were made which, as part of their con-

tention, would have stricken from the record the charges made against Mr. Hensel. At that time the Chair went around the triangle to determine whether in the opinion of either Mr. Hensel and his counsel, or Senator McCarthy's associates and himself, there was anything unreasonable or unfair or unjust about that portion of the context of the proposal. At that time, on two different occasions, both of those parties said that it would be agreeable with them.

The Chair did not vote for those proposals, however, because when he got around to the third part of the triangle and asked the same kind of questions of Mr. Stevens and his counsel, they said as far as their position was concerned and as far as the Stevens-Adams portion of the case was concerned, they felt it was not proper and not fair and not just.

Consequently, the Chair voted against the motion not because it included Mr. Hensel or Mr. Carr, but because it included Mr. Adams and Mr. Stevens and because they felt that it was not a proper procedure.

However, there is a different situation which now confronts us because Mr. Adams and Mr. Stevens have had a complete opportunity to present their case.

The Chair feels that——

Senator JACKSON. But Mr. Chairman, if I may inquire——

Senator MUNDT. I was coming to your particular point, if you will be patient.

Senator JACKSON. Yes.

Senator MUNDT. The Chair feels insofar as Mr. Carr is concerned, all of the evidence which they have to present has been presented because their witnesses have all been arrayed before the committee.

Insofar as Mr. Hensel is concerned—what was the interruption?

Senator JACKSON. I just merely made the point that I did not direct my parliamentary inquiry to Mr. Carr. I directed my parliamentary inquiry to Mr. Hensel.

Senator MUNDT. I understand your point has two parts. The Chair feels as far as Mr. Hensel is concerned that the situation which confronted us at the time the original charges were made has been altered substantially by the course of the testimony, by the evidence which has been adduced up to this time, by the fact that on two previous occasions both Mr. Hensel's counsel and the McCarthy side of the position have agreed to striking that part from the case, and furthermore, and perhaps most importantly, by the issuance of the Executive order which is going to make much more difficulty, certainly, in finding out those pertinent portions about the testimony of Mr. Hensel than would otherwise have been the case.

So the Chair would say as far as his own particular vote is concerned, that if Mr. Hensel and his counsel and Senator McCarthy and his associates are of the same opinion now that they were on the two previous occasions, he would of course vote to strike then from the record something which neither side cared to inject into it and consequently delay the conduct of these hearings enormously and unnecessarily.

Senator JACKSON. Well, Mr. Chairman, I just want to conclude by saying that I know of nothing in the Executive order that prevents the offering of proof based on the charges filed against Mr. Hensel. What part of the Executive order would prevent that?



Senator MUNDT. I refer to the part which precludes any possibility of discussing any of the transactions occurring at the meeting on January 21. The committee has previously decided unanimously that the only portion of the Hensel charge which we could appropriately consider was the portion dealing with motive, and the motive phase was obscured by the fact that there are other meetings, other discussions dealing with motive into which we are not permitted by the Executive order to inquire.

Senator JACKSON. Mr. Stevens has testified that the meeting of January 21 had nothing to do with that. I am at a total loss all the time—

Senator MUNDT. Mr. Stevens was not at that meeting.

Senator JACKSON. No, but he has testified as to who brought or initiated the charges. I must confess that if this theory if followed to its logical conclusion, and it is just common sense, then logically the charges that Mr. Cohn, Senator McCarthy, have made against the other parties, a motion to dismiss those charges would lie because no proof has been offered up to this point.

Mr. BRYAN. Mr. Chairman? Am I interrupting the discussions of the learned Senators? If I am, I apologize.

Senator MUNDT. If you are, we will be happy to have you interrupt. Go right ahead.

Mr. BRYAN. Senator Jackson has raised a question about what basis there is for dismissal of the charges at this time against Mr. Hensel. As a matter of fact, the motion that was made by Senator Dworshak, in my judgment, is entirely proper, and to me and to my client if it were passed at this time and properly passed at this time would constitute a wholly justified vindication of my client in these proceedings, of Mr. Hensel. The fact is that in any judicial or quasi-judicial proceeding of this character, as the proof develops, if the proof as it develops shows that any given set of charges against a party were unfounded and without basis, then it becomes the duty of any body, judicial or quasi-judicial, at that point in the proceedings to dismiss those charges.

That point, in my judgment, has now plainly been reached. I will not review the testimony in detail, except to say that witness after witness on this stand has made it perfectly plain that the two charges which were in any way relevant to these proceedings, namely, that Mr. Hensel for some motive tried to stop the proceedings of this subcommittee, have been affirmatively disproven right now. And since those charges have been affirmatively disproven, it seems to me that in all justice and fairness, neither Mr. Hensel nor his counsel should be kept sitting around in these proceedings as a party, with this sort of threat hanging over their heads. I may say in addition to that, Mr. Chairman, in addition to that, I distinguish between a judicial and a quasi-judicial proceeding such as this. In a proceeding of this character, where you have not the normal protection afforded by a court of law, it is even more important to a citizen and a party and a distinguished public official, that the charges against him be disposed of as rapidly as possibly can be, and that if his vindication comes it comes early and swift before the American public.

That point, as I say, has been reached not alone by failure of proof, and we know there is no proof in support of these charges, but also

by affirmative proof to the contrary. That is why I would urge upon this committee and upon its learned chairman, that this motion ought to be granted in all justice and fairness to Mr. Hensel right now and for his vindication.

May I say one other thing. Senator Dworshak's motion was coupled with a statement that Mr. Hensel be excused as a witness. Whether or not that be granted, in whole or in part by this subcommittee at this time, I want to say in Mr. Hensel's behalf that he is always ready and willing to appear at the behest of this subcommittee at any time to give it any information which will throw any light that might be thrown upon the controversy presently before it. He sees no need to appear as a witness to dispose of unproven charges or charges that were proven to be untrue. But he is still available as a witness for this committee and will be at any time, and let there be no doubt about that. I may say one final thing, sir, with regard to my client and, after all, Mr. Chairman, I will remain silent, as you will confess, for a very long time here, and maybe have just a little opportunity to speak.

Mr. Hensel was given by this Nation the second highest decoration in its power to give, the Distinguished Service Medal. He was given that medal for very highly meritorious service to his country, during the Second World War as Assistant Secretary of the Navy and in other high capacities in that department.

He has come down to this Capital of the Nation again to serve his country at great personal sacrifice and is at present engaged in matters of the highest importance to the Nation.

If public officials, against whom charges are levied, are not vindicated when they can be vindicated at the earliest opportunity, that to my mind is a deterrent to men of ability and character who desire to serve their country.

I call upon this committee and ask this committee to grant this motion right here and now.

Senator MUNDT. Does anybody else care to be heard?

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. I have witnessed some peculiar proceedings in my lifetime, but never before have I witnessed charges brought and then somebody moved to dismiss them before the man or the person who made the charges was given an opportunity to testify.

This would be one of the grossest reflections upon those who made the charges for this committee at this stage of the proceedings to dismiss the charges because it would be tantamount to saying to Senator McCarthy and Mr. Cohn, that "your charges were baseless, they were an imposition upon this committee and upon the country, and they are irresponsible."

If you want to place that stigma upon Senator McCarthy and Mr. Cohn, you may do so. But so far as I am concerned, we are going to get the proof or the charges be withdrawn by those who made them, and I shall vote against the motion.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Mr. Chairman, it occurs to me that we have ventilated this matter long enough. First of all, it should be said that it has been bruited about and discussed in some of the executive ses-

sions that we had—and I think Mr. Bryan will bear that out—I think the testimony discloses that Mr. Hensel had only an incidental relationship to the proceedings thus far. Insofar as that portion of the charge is concerned that goes back to 1944, I am frank to say that I have conferred with counsel, and counsel would feel disposed to object if anything relating to those charges that goes back 10 years might be introduced in evidence.

Under the circumstances, there is nothing unusual or extraordinary about this proceeding. This is regular in every respect, and I think it does justice to two principals in the case, Mr. Carr and Mr. Hensel.

I suggest now, Mr. Chairman, that we vote on the matter, because it is a responsibility individually for every member of this committee.

Senator JACKSON. Mr. Chairman?

Senator MUNDT. Senator Symington hasn't spoken yet. I will come to you, Senator Jackson, later.

Senator SYMINGTON. First I would like to ask the counsel for Mr. Hensel, or Senator McCarthy, have the charges against Mr. Hensel been withdrawn?

Mr. BRYAN. Are you asking that of me, Senator Symington?

Senator SYMINGTON. I would ask that either of you or Senator McCarthy, or both.

Mr. BRYAN. As far as I know, Mr. Symington, my arguments have been directed to a motion pending before this committee.

Senator SYMINGTON. My question is a very simple question, Mr. Bryan.

Senator MCCARTHY. Perhaps you would like me to answer it.

Senator SYMINGTON. I would like somebody to.

Senator MCCARTHY. I think perhaps I should answer that. May I say that nothing has been withdrawn. However, I have taken the position since the Presidential directive ordering certain people who were at the meetings at which the machinery was set in motion for these smear charges which resulted in this show—since the President decided that they couldn't talk, I just feel we never will get at the facts in the matter and never can get the truth, and Mr. Hensel will be too busy to testify under that directive.

Anything the committee can do to cut down the length of this so we can get back to our work, anything they want to do to eliminate two witnesses, eliminate days of testimony, will not be objected to by me.

I have one objective now, now that we know we can never get all the facts, and that is to get the show off the road as soon as we can and get back to our work of exposing Communists who at this moment are in dangerous positions.

Senator SYMINGTON. Mr. Chairman, I would like to make this observation about the question of Mr. Hensel. I have known him a long time. He is in a position of great authority in the Department of Defense of the United States. As I understand what Senator McCarthy has said, these grave charges are not being withdrawn except for the fact that the President of the United States has issued a directive which makes it impossible to get the truth. I don't see how that could be known until and unless Mr. Hensel defended these charges. In his position he probably has as much or more to say in the Department of Defense with respect to the spending of billions and billions of dollars, and it has been said, and I believe in complete justification, that a public office is a public trust. He was appointed by the



President of the United States to this high office. I have no reason to think that he is guilty in any way of the charges that have been made against him, but I join with my colleagues that to dismiss these charges at this time and leave this man as the No. 1 legal man in the Defense Department of the United States, where everybody is looking for corruption and problems, and leaving hanging over him these charges, to me is just unbelievable.

I regret that apparently it is going to be decided on a straight 4-to-3 vote.

Mr. BRYAN. Mr. Chairman.

I beg your pardon. I am so sorry.

Senator SYMINGTON. I would hope that the members of the majority party of this committee consider the position in which they are leaving Senator McCarthy, because he made the charges and wants the truth, and Mr. Hensel, because from this day on, he will operate on the basis of the charges that were made and were dismissed before he was even given the opportunity to answer them.

Mr. BRYAN. Mr. Chairman.

Senator MUNDT. Mr. Bryan?

Mr. BRYAN. The learned Senator from Missouri has just advanced what to me is one of the most extraordinary theories that I have ever heard advanced in an American public hearing. That theory is, apparently, that when charges are made against someone and those charges are unsubstantiated, he has the burden of proving himself innocent. That is a new one to me.

For over a thousand years of Anglo-Saxon law, we have proceeded on the theory that a man was innocent until proof was brought forward that he was guilty. I cannot believe that the Senator from Missouri really meant to advance any such theory before the American people.

The whole point of this motion is, first, that affirmative proof has been brought forward that Mr. Hensel had nothing to do with this situation and should never have been brought in; and, second of all, that apparently there is going to be no proof offered in substantiation of the charges.

To keep a man in this situation in what might be called public jeopardy under such circumstances, and to make statements which might affect his probity, I think is unworthy in such a forum as this or before the American people.

Senator SYMINGTON. Mr. Chairman, I would like to continue the colloquy just to this extent: I deeply regret having shocked this eminent counsel and delightful gentleman from New York. I want to say that in turn he has deeply shocked me, and I hope when I am ever represented by a counsel and am innocent, that the counsel agrees to give me a chance to prove my innocence before the people.

Senator JACKSON. Mr. Chairman, I will be very brief.

Senator MUNDT. Senator Jackson.

Senator JACKSON. May I say this to Mr. Bryan. While I may not have the best knowledge of the law, I must say that I have never heard of a doctrine advanced in all the years that I have lived that would prevent an individual who has a case to make being heard. I will not vote for a motion that will deny to any party to this controversy the right to present his case.

I do not know of any doctrine in Anglo-Saxon law where an individual comes into court and has an affirmative case, Mr. Bryan—I am not talking about the negative allegations—but has an affirmative case to prove, and then a motion is passed denying the individual or individuals the right to be heard.

One last thing: Mention and reference has been made to the Executive order that it stops Mr. Hensel's side of this controversy. May I just read the last paragraph of the President's order, the last paragraph. I quote from the President's letter to the Secretary of Defense:

By this action I am not in any way restricting the testimony of such witnesses as to what occurred regarding any matters where the communication was directly between any of the principals to the controversy within the executive branch on the one hand, and a member of the subcommittee or its staff on the other.

I think that last paragraph of the presidential directive certainly makes it possible for full testimony to be heard. I want to say to the chairman that I shall not vote for a motion in this hearing at any time which denies the right to any principal to this controversy who has made affirmative charges against another principal or principals.

It is in the grossest violation, Mr. Bryan, of all Anglo-Saxon law, and if I might supplement it, with just plain commonsense.

Senator MUNDT. May the Chair say first, before he recognizes anybody else, because the only way he can get a chance to say anything is to move in once in a while—he has no place to appeal for the floor—it seems to me that much of this discussion of Senator Jackson's has gotten beside the point. The plaintiff in this case, or the person presenting the charges in the original instance, was certainly not Mr. Hensel. It was, instead, Senator McCarthy and those associated with him. Certainly, if they are content not to have the charges pressed, it seems to me the committee would be in a most unhappy position to try to prod people to prolong the hearings, and expanding our witness list, and extending the evidence ad infinitum, ad nauseam. It would seem to me that is perfectly clear. With regard to the President's order, it says, of course, not to interfere with any of the evidence taking place between the principals and the members of the committee. But there is nothing thus far in the testimony or in the presentation of charges indicating that Mr. Hensel had any direct communications of any kind with the members of the subcommittee. His involvement, if any, in the allegations of motive, were those which are involved in the January 21 meeting, all of the other meetings, and the consultations with the members of the executive department. Senator Jackson suggested to the Chair, "I heed what Secretary Stevens said in his testimony." In his testimony, he was a bit confusing to the mind of the chairman as to whether or not he testified that he did or did not give an order to start off this thing, but he certainly was emphatically repetitious about the fact that he assumed the responsibility for the launching of these charges which obviously goes to the matter of motive and is an additional reason why we need not keep Mr. Hensel endlessly away from his duties and on the stand and in jeopardy, when even the Secretary of the Army has testified that as to responsibility, it is his.

Mr. BRYAN. I am sorry to prolong this, Mr. Chairman, but let me say two things. No. 1, I want it clearly understood and plainly understood by the chairman and all the members of this committee on both sides of the aisle that Mr. Hensel with regard to any testi-

mony he might give in his own defense, if that ever becomes necessary, and believe you me it never will, is not taking advantage of any Presidential directive. I have not remotely suggested that Mr. Hensel is going to take refuge in any Presidential directive and indeed you need have no doubt that he will never do so, except insofar as he might at sometime be bound by the orders of his superior.

Let that be quite plain.

The second thing is this: I still say to this committee that Mr. Hensel will not want anything done here that does not completely vindicate him. I say that he does not want to accept from this committee or any of its members anything other than complete vindication. It seems to me the record is such that complete vindication is in order and proper and should be given right now. And I ask for it.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. Senator Symington?

Senator SYMINGTON. A lot of people think that 4 to 3 voting will be complete vindication. For a public servant, I do not agree. For the first time, I am beginning to worry about whether or not this committee was the right committee before which these charges should have been presented. I remember that the chairman himself consistently stated that it was not, and that he preferred not to be a judge in this case. I would like to respectfully remind him of that, as he decides to cast his vote. But I want to say that based on the many years that I spent in the Pentagon, it wouldn't be possible, in my opinion, for Secretary Hensel to operate on the basis he must operate on in the best interest of the security of the United States unless these charges are brought up. Therefore, I would like to say, with great respect to my colleagues on this committee, that if there is to be a white-washing of the charges and putting them under the rug before the charges are even listened to, and before Mr. Hensel, who, I believe, is a great American, has the opportunity to answer the charges, I shall take the matter to the floor of the Senate. I shall also recommend to the Armed Services Committee, of which I happen to be a member, that the entire matter be investigated in open sessions before that committee.

Mr. BRYAN. I beg your pardon, Senator McClellan.

Senator McCLELLAN. I want to make one more brief statement and then I am through. I do not know whether there has been another memorandum of agreement that the Democrats didn't have an opportunity to know about or not.

Mr. BRYAN. May I say, Mr. Senator, that there is no memorandum of agreement as far as I am concerned that I have heard anything about?

Senator McCLELLAN. Well, all right. I have heard of them before and I didn't hear of them until afterward. It seems the die is cast, and we are going to vote this thing about 4 to 3. That is the way it appears at the moment.

I simply want to say to my colleagues that in doing so you place a stigma on those who made the charges. If they want to sit here and take it, with no protest, that is all right with me, but I am not going to vote to do it.

The second thing I want to say to you is that having made the charges, just as sincerely, I assume, as they made the charges against



Adams and against Secretary Stevens, if they now weaken and take a position, "We don't want to prosecute those charges," they are equally as serious if not more so, because they say, "Hensel inspired it," if they are going to withdraw that, and say it is being acquiesced, and being dismissed without offering the proof, it is going to have a little influence with me on some of the other charges, I will tell you that now. I want to say one other thing now and then I will conclude.

I have said to this committee before, gentlemen, you have the power to do it, you can vote it, and you can do it again. But I think you will make a sad mistake.

Senator McCARTHY. Will you yield?

Senator MUNDT. Will you yield to the Senator from Wisconsin?

Senator McCLELLAN. Yes.

Senator McCARTHY. I would like to make it very clear to the very able Senator from Arkansas, that the only reason why I do not protest this is because I have taken the position since the President signed the order saying we cannot get the facts about certain meetings, since he signed an order saying that people in the executive cannot give us the conversations, so we cannot get to the question of motives, that the meeting of January 21 appears to have been the time when the chain of events was set off, which culminated in Mr. Hensel signing the report, I have just taken the position that it is hopeless to try and get at all of the truth, and that, as I heard a small boy say once, "There ain't no such animal as half the truth," and therefore anything the committee can do to eliminate witnesses, to cut this down, so that we can get back to the work which we should be doing, as far as I am concerned, it is all right with me.

Senator McCLELLAN. Mr. Chairman, I assume I yielded to the Senator, but I might say this in reply. If you want to cut down and eliminate witnesses, let's dismiss the whole proceedings. That is one way to do it.

Senator MUNDT. Any other Senators desire to be heard?

Senator Dirksen.

Senator DIRKSEN. Mr. Chairman, I have never had any doubt that this was the proper committee to investigate these charges. If I entertained any doubt on that score, I would simply fortify my conviction by having resigned from the committee. That is the easy way for anyone to test his conviction.

Mr. Bryan is absolutely correct. If and when a hearing indicates a cloud over an individual, I think it is the responsibility of this committee, sitting as judges and as jury, to remove that cloud as quickly and as expeditiously as possible, conditioned entirely on what has developed in the long hearing.

Finally, let me say, Mr. Chairman, I have been intrigued by the solicitude that has been expressed by some about the Senator from Wisconsin. I have known him a long time, and he has been abundantly able to take care of himself under any circumstances.

I suggest we vote, Mr. Chairman.

Mr. WELCH. Mr. Chairman.

Senator MUNDT. Are you ready to vote?

Mr. Welch?

Mr. WELCH. I assume that my small voice may be heard at some point here. Senator Dworshak, I would count it, sir, a great courtesy to me if you would split your motion into two parts, because you have

in the same motion a dismissal as to Mr. Hensel and a dismissal as to Mr. Carr. There is no lawyer in the courtroom, nor I think any human being in the courtroom, who does not know that very different considerations apply to those two men. Indeed, all the argument now has been about whether or not you should dismiss as to Mr. Hensel, and nothing has been said about Mr. Carr.

On that point, Senator Dworshak, I would like to be heard, and I would like the two men to be dealt with separately, because anyone must concede that quite different considerations apply to the two.

Would you, Senator Dworshak, do me the great courtesy of splitting your motion? I have no right to ask it, but I beg it as a favor.

Senator DWORSHAK. Mr. Welch, I certainly would like to comply with your request, but it seems to me—and I am not an attorney—it would seem to me for 20 days we have been hearing testimony by the Army, and no material proof has been submitted which would in any way justify the involvement of Mr. Carr in these charges so far as I can see. You are practical enough to know that you must have some balance or compensating feature.

I want also to stress that we have been here for 20 days, and I am willing to stay another 20 days and to have Senator McCarthy and Roy Cohn and other witnesses on that side take the witness stand. I have no desire, as has been suggested by other members of this subcommittee, that we are attempting in any way to put over a white-wash. That is not in my mind at this time, or at any time. I am willing to stay here for 20 days and listen to the testimony of the other side of this controversy.

But it seems to me that it is not within the jurisdiction of this subcommittee to consider the charges of alleged fiscal operations which originally were injected into this case involving Mr. Hensel. I think, as the Senator from Missouri has indicated, if there is any justifiable ground for carrying forward these charges to determine whether they are false or true, that jurisdiction might well come before the Senate Committee on Armed Services.

I can see no direct connection between those charges and the jurisdiction of this subcommittee in this specific controversy involving the Senator from Wisconsin and his staff and the Secretary of the Army and members of his staff.

So far that reason it seems to me that we would not be accomplishing anything worthwhile if we were to consent or acquiesce in your request at this time.

Mr. WELCH. Mr. Chairman.

Senator MUNDT. Have you something else to say, Mr. Welch?

Mr. WELCH. I am bitterly disappointed in that, because I think it is very confusing to vote on these two matters in the same motion. I am sure there is some sympathy for me on that side of the table when I point out the different considerations that apply.

If the two points are to be voted on in the single motion, it then becomes my duty to take what I would estimate to be about 10 minutes to point out to Senator Dworshak and to all of you the salient features that seem to me to require a dismissal or a negative vote on this motion insofar as it applies to Mr. Carr.

Mr. Chairman, may I have that 10 minutes? I think I can do it.

Senator MUNDT. Apparently we are proceeding here under the 10-minute rule, so I think you can.



Senator SYMINGTON. Mr. Chairman.

Will Mr. Welch yield to me a minute?

Mr. WELCH. Happily, sir.

Senator SYMINGTON. Mr. Chairman, I think this whole business is getting silly. We have three witnesses. I know no reason why Mr. Carr will not be declared innocent of any charges that have been made against him. I have heard very little about it. The United States Army is now on trial before the American people, and any way you cut it, those are the facts.

I must admit that some of the testimony that has come from the head of the Army, the Secretary, and from his legal adviser, have been disturbing to me, but for many days—in fact, I believe, many weeks—the counsel for the Army has sat here patiently, and by his actions more than his words attempted to expedite these hearings.

Now, a few moments after the Army's case is closed, despite the strenuous, sincere objections of Army counsel, the majority members of this committee, who are responsible for the current operation of the United States Army, against, if I may say so, the almost bitter objections of the head counsel of the Army, are deciding to vote, apparently, in the affirmative to eliminate 1 of the 3 members who are principals in the case that the Army has brought. In fact, if you want to look at it from the standpoint of the Defense Department, which I again remind these gentlemen it is their responsibility to operate; we are now eliminating two members of the Defense Department.

Mr. Welch agrees to one. He does not agree to the other. The least that I believe we can do as a committee is to carry on on the basis that the Army counsel now wants us to.

I want to thank you, Mr. Welch, for letting me have this opportunity to support your position.

Senator MUNDT. You may now state your position, Mr. Welch. You have 10 minutes.

Mr. WELCH. I think, Mr. Chairman, that certain Senators on the other side of the table have not been as appreciative of the seriousness of the case that has been made against Mr. Carr as I am, on reading the record. The scene opens with conferences either between Mr. Cohn and Mr. Carr and Mr. Stevens, or it follows with the conferences between Mr. Cohn and Mr. Carr with Mr. Adams, in which Mr. Schine is repeatedly discussed and in which Mr. Cohn makes inordinate demands in respect to Mr. Schine.

It is true that Mr. Carr appears to have the role of the strong, silent man, but sometimes you can be very strong by silence.

Certainly it seems to me that when Mr. Carr rode to Fort Dix, as he did, to interview General Ryan, to arrange for the time off for Mr. Schine, that he must have been going there because he wanted to achieve a result.

General Ryan's testimony, which was not denied, was that they both requested the time off for Schine.

I wish to turn to one or two places in the record and read some short statements to you gentlemen.

I read first from the record, volume 15, pages 2573, the testimony of Mr. Adams:

On November 25 at the conclusion of the hearings in New York, I returned to Washington. I planned to go by air. I was going to be in the company of

Mr. Carr. We missed our airplane at Newark Airfield and went to the Newark Pennsylvania Railroad Station and came to Washington together on the train on November 25. The train trip takes about 3 hours and 45 minutes. As I recall now, and as I felt at the time, fully one-half of our entire conversation was directed to Schine and was filled with Carr's observations to me to the effect that for so long as Schine was not satisfactorily assigned, satisfactory insofar as Mr. Cohn was concerned, that we were in trouble.

Now, that is Mr. Adams and Mr. Carr all by themselves on a railroad train, and Mr. Carr saying, "As long as Schine was not satisfactorily assigned, we," the Army, "are in for trouble."

On page 2593, of the record, Mr. Adams again is testifying, in answer to Mr. Jenkins:

Yes, sir, Mr. Carr was in Washington. I think Mr. Cohn was in New York. I had a conversation with Mr. Carr with further reference to Mr. Cohn's attitude on Schine, and I stated to him that if they would just leave me alone, I was going to South Dakota for a 4-day visit with my mother and sister, and that if they would just let me alone until I got back, I would find a way to speak to the Secretary of the Army between Christmas and New Year's, and determine where Schine was going to go. I did not guarantee that they would like what the decision was, but I said, "I will get an answer so we will know where he is going if you will just leave me alone for the next 6 days." On the 19th of December, I went to Sioux Falls, S. Dak., by air. On the 20th of December, I received a long-distance call from Mr. Carr, in which the subject—on the 20th of December and on the 23d of December, while I was in Sioux Falls, S. Dak., I received long-distance calls from Mr. Carr. On one, and I think on both of the occasions, the principal subject of the call seemed to me to be Schine, and I restated that I had told them that if they would just wait until between Christmas and New Year's I would try and find out what was going to happen to Schine.

MR. JENKINS. You say that in 1 or 2 calls the subject seemed to be Schine. Was there not Schine discussed by Mr. Carr long-distance while you were visiting your mother in Sioux Falls, S. Dak.?

MR. ADAMS. It was, and as I say, the principal purposes of one of the calls, as I recall it, was Schine. My recollection is that both calls alluded to Schine.

And, on page 2600 of the record, Mr. Adams is testifying again:

I telephoned my wife on the afternoon of the 9th of January to tell her that the weather was bad.

This is in reference to Mr. Adams being in Amherst—

it was snowing, and it didn't look as though I would get back to Washington that day, as I had planned. She told me that she had received a telephone call from a woman who had stated that Senator McCarthy and Mr. Carr were anxious to get in touch with me, and that she had indicated to them that she didn't know where I was.

I wasn't particularly anxious to receive the call, because I felt that I knew what it would be about. Nevertheless, I told her to tell Mr. Carr where I was. And I received a telephone call from Mr. Carr at about 3 o'clock or 3:15 in the afternoon of January 9.

The subjects which we discussed were two: One, a clause which he wished to get the Army to concur in for inclusion in the annual report of the committee, and the problem concerned with Private Schine. He told me with reference to Schine that Schine had gone to New York on leave for the weekend and had been advised that he had to return on Saturday night to be available for K. P. on Sunday, the next day. He indicated to me that Cohn was very anxious to get hold of me about it, wanted to talk to me about it, wanted to know what I could do about it.

Mr. Carr wanted to know if there was anything I could do about it. I protested to Mr. Carr. I tried to put him off by saying that I was helpless in Amherst, that I couldn't do anything when I wasn't in the Pentagon. I asked him if he wouldn't defer telling Mr. Cohn where I was—Mr. Cohn was in New York, I was in Amherst, and Mr. Carr was in Washington—if he wouldn't defer telling Mr. Cohn where I was long enough to let me complete checking out of the hotel, which I was then in the process of doing. I did not want to prohibit, to give him a prohibition, tell him no, you may not telephone where I am, because I didn't

want to be in the position of refusing to receive a phone call from a committee staff member. However, I did hope to avoid the call, because I was sure what it would be about.

Mr. Carr's call with me was terminated shortly thereafter, and in a few moments I received another telephone call. I picked up the phone and heard Mr. Cohn's voice on the other end. I said, "Hello," and I heard him say, "Hello, John," something to that effect, and I very carefully put down the receiver.

And again from Mr. Adams' testimony:

Finally on the 4th of March I agreed I would come up and have lunch with him on the following day, which was the 5th of March. He felt it would be better if we did not have it here in this building. I think Mr. Cohn was in town. So we agreed that we would go to lunch at the Methodist Building, across the street, and we did have lunch together on that day. On that occasion Mr. Carr said to me that he was making progress—he didn't say how or through what means—in effecting a conciliation, in improving and reducing Senator McCarthy's ire against the committee. That was about the substance of it. The great part of the luncheon was given over to conversations with reference to Schine, in which Mr. Carr stated to me, as he had on numerous other occasions, that he felt that I should understand that as long as the assignment of Schine was not satisfactory to Mr. Cohn that the Army was in for continued trouble.

I have other portions of the record marked. It takes too long to read them. Those that I have read to you are acts of Carr alone.

Mr. Carr placed calls for General Ryan and Lieutenant Blount at Fort Dix in respect to time off for Schine. Most importantly, he wrote 6 of the 11 memoranda which were released by Senator McCarthy to the case, and which will be in evidence in this case. These memoranda contain accusations against Stevens and Adams. They set up the hostage charge for the first time. That was March 11. They set up the blackmail charges for the first time. These accusations stand in the record, or will stand when introduced, in cold type. No one sitting in this chair can let them go unchallenged. They must be testified to by Mr. Carr under oath, and I must have the chance to cross-examine. It is in evidence that Mr. Carr requested Adams to work with Sokolsky. You will remember Mr. Adams' testimony on that.

Most importantly, Mr. Carr was, as I understand it, Mr. Schine's immediate superior. He is the one who can tell us what Schine was doing on weekends and on the nights that he was off at Fort Dix. He is the one that can tell us what committee work was so essential that this man had to have these extraordinary excuses from Dix that he had.

It is, as I have indicated to Mr. Jenkins, essential that we have Mr. Carr as a witness in this case. I do not want anyone in this room, or anyone that hears my voice, to think I could bear a grudge against a man that I have never yet actually met. I have heard Senator McCarthy say that the Army wants his neck and wants his job.

Mr. Chairman, I would not know what disposition to make of either the neck or the job if it were offered to me. I want to try this case and bring the facts out fully.

Mr. Jenkins, my friend, I think I am looking at you more than anyone else. I have not the power to keep Mr. Carr in the case as a principal if this vote goes as it seems somewhat indicated it will. As long, Mr. Jenkins, however, as I have your promise that Mr. Carr will be called so that I can examine him on these grave charges that he made in his memorandum and on all the other matters where he is so important a witness, whether he helps me or hurts me, I want him as a witness.



And so, Mr. Chairman, I say, first, you ought not to dismiss him. If you were in the area of directed verdicts and we rested on this alone, it seems to me, as a lawyer, there would have to be a verdict for the Army on what I have read. But, whatever you do with him as a party, I cling to him, Mr. Jenkins, as a witness.

MR. JENKINS. Mr. Chairman?

Senator MUNDT. Mr. Jenkins.

MR. JENKINS. I address my remarks directly to Mr. Welch. Thus far, Mr. Welch, I have called to the witness stand each and every witness suggested by you on behalf of the Army. I want you to understand, as I am sure you do, that I work for the committee as its special counsel. I am in no wise responsible for the policies adopted by the committee. I have no vote on the committee. Should the committee pass a motion or a resolution that precludes my calling any witness, then you are bound to know, as I know you do know as an attorney, that my hands are tied and that I cannot call that particular witness.

If no such restriction is placed on me, Mr. Welch, I shall continue in my humble way, as I have in the past, to present the facts. But please don't cast the burden or the onus upon me, because, as you know and as everyone knows, I am taking orders from those who employ me.

MR. WELCH. One word, Mr. Jenkins.

Senator MUNDT. Mr. Welch.

MR. WELCH. I am confident, sir, that your prestige with this committee and with this country is such, sir, that if I say to you I want Mr. Carr called as a committee witness and add the word "please," he will be called.

Senator DIRKSEN. Mr. Chairman?

Senator MUNDT. Senator Dirksen.

Senator DIRKSEN. Mr. Chairman, I have high respect and great affection for our charming friend from Boston. He has read one side of the story. So suppose, to be sure that we do not have an ex parte presentation, that we read from the same record a little of the other side.

I refer you, Mr. Welch, to page 2857 of the printed hearings. It was in the course of that long onset of cross-examination conducted by the chairman, Senator Mundt, and on that page he begins as follows. He said:

You will develop specifically—

and this is addressed, of course, to the Army counselor, Mr. Adams—

You will develop specifically the charges so that we can put our teeth into something specific. That is what we are trying to find, before January 20.

Of course, this relates to Mr. Carr. Here was Mr. Adams' reply. He said:

As I have stated, he was a participant in the luncheon on November 6. I remember no words. He did not seem to disagree with the request which was made. I do not isolate the instances, but I know that he was at Fort Dix from time to time.

He didn't participate. He said nothing. It must be remembered that it wasn't Mr. Carr who charged himself; it was no member of the committee who charged him. It was the Army who charged him. Your principal prosecuting witness in this case, Mr. Welch, was your counselor, Mr. Adams. But we go on:

Senator MUNDT. Before we leave, I want to get these point by point so we can save time. We have taken any charge out as far as the automobile is concerned?

Mr. ADAMS. That is right. He was as uncomfortable as I was.

Senator MUNDT. At the luncheon, whether he was comfortable or uncomfortable, are you charging him with improper activity?

Mr. ADAMS. No, sir. He was a coparticipant with Senator McCarthy in the luncheon of December 10, the prime and sole purpose of which was to discuss the New York assignment for Schine.

Senator MUNDT. And what did Carr do on that occasion that was improper?

Mr. ADAMS. I state, sir, he was a coparticipant with Senator McCarthy.

Senator MUNDT. I understand that. I want to understand what he was "co-ing" while he was at the luncheon. You have been relatively specific about Cohn, relatively specific about McCarthy. Now let's get specific about Carr. We have to call Carr to defend himself against something, and we want to find out what it is.

Mr. ADAMS. I am trying to recall, sir, my opinion of the Carr attitude prior to and subsequent to January 20.

Senator MUNDT. This is December 10. That is prior to January 20.

Mr. ADAMS. That is correct.

Senator MUNDT. What did he do on January 10—

Mr. ADAMS. You mean January 20?

Senator MUNDT. December 10, that you want to charge him with as being improper?

Mr. ADAMS. He was a coparticipant in the luncheon.

Probably there enjoying succulent pork chops along with everybody else.

The Senator was the one who was making the request with reference to New York assignments of Schine.

Senator MUNDT. I am talking about Carr. What did Carr do at the luncheon?

Mr. ADAMS. He did not disassociate himself with the Senator's position.

He didn't say anything. He maintained a silence. He was quiet. The nature of Frank Carr, as a matter of fact.

He did not disassociate himself at the luncheon on November 6.

Senator MUNDT. December 10 we are talking about.

Mr. ADAMS. I am speaking of both November 6 and December 10.

Senator MUNDT. Let's make it December 10. What did he do on December 10 other than the fact that he did not say to his chairman, "Don't say that."

Mr. ADAMS. I would state that he was present; he did not disassociate himself.

That is amazing, isn't it? Where are the acts, Mr. Welch? Where is the affirmative testimony? We have been waiting for it.

Senator Mundt said:

All right. He was present. You charge him with improperly using means to intimidate the Army because he was present at the luncheon and said nothing. Is that a charge? Or do you say that as far as that luncheon is concerned, there is no complaint on the part of the Army?

Mr. ADAMS. I think the fact that he was present, the fact that the position of the chairman was being enunciated to us and that he was sitting there quietly listening to it, made him a coparticipant.

So, silence and profundity are now the basis of the proof. There has been no proof, and I think this committee must exercise its responsibility to end participation in this case, and it becomes our duty, I think, now to remove this cloud from Frank Carr on the basis of what your prosecuting and what your asserting witness stated after all the days on the stand. There is nothing affirmative. There are no acts that would impeach Frank Carr in his conduct and indicate that he has identity with the charge that he used improper influence in behalf of Dave Schine. Surely he mentioned his name.

You referred to the trip from New York. Who hasn't engaged in parlor-car conversation with a scotch in his hand when it went all around the circle full tilt, but was there an affirmative act? Was there something overt there to bring Frank Carr within the orbit of these charges? Not a thing have you established.

So I say it is the duty of this committee, now that the Army has presented its case—you said you had concluded with your witnesses—it is a responsibility of the committee, now that your complaining witnesses have been heard, that we relieve Frank Carr of this cloud.

The motion ought to be put and there ought to be a vote.

Mr. WELCH. Mr. Chairman, will you bear one more word from me? Senator MUNDT. Mr. Welch.

Senator JACKSON. Might I ask one question, Mr. Welch?

Are the monitored telephone calls a part of your case?

Mr. WELCH. We assume so, if received in evidence, of course. There will be ones between Mr. Adams and Mr. Carr.

Senator JACKSON. Is there anything in the monitored telephone calls that bears on Mr. Carr?

Mr. WELCH. Oh, yes.

Senator JACKSON. I merely make the point. Is the testimony all in?

Mr. WELCH. It is not.

Senator JACKSON. I will say this, Mr. Welch: I think the evidence to date on Mr. Carr is pretty weak. I am being absolutely fair. But I want to be fair to you, sir, in inquiring whether you have your case all in. I merely make the inquiry, Mr. Chairman, whether the motion is made before all the evidence is heard. I think it is pretty important and I ask of Mr. Welch now, do you consider the monitored phone calls a part of your case with reference now to Mr. Carr?

Mr. WELCH. Yes. One monitored phone call, at least—and I am informed by Mr. St. Clair, who has dealt more closely with the monitored phone calls than I have, possibly more directly involve Mr. Carr.

I wish to say a word to my friend, Senator Dirksen, whose voice I always so much envy, you don't strike me, Senator, as being open to conversion. I am afraid I may not wish your vote. But I do wish to point out to you that it is possible to cooperate in a plan by mere silence. If I were to meet you tonight in some dark alley and relieve you of your wallet and had with me that strong, silent character St. Clair, St. Clair would be a participant in the holdup and you know as well as I what the consequences would be. But it isn't merely that.

I say that the train ride in which you introduced the scotch that I don't find in the evidence, and in which Mr. Carr says, however softly, "Mr. Adams, as long as Schine's assignment isn't satisfactory, the Army is in for trouble," as a lawyer, sir, I say to you you cannot direct a verdict in the face of that evidence.

I observe a nod from a lawyer whose opinion I respect, although I differ with his politics.

Let me say this, Senator: If at the close of the case Mr. Carr is found free of all fault by you, you will see me advancing toward him smilingly. I have, sir, a genius for losing cases. I wish, however, not to lose them until the evidence is in.

Senator DIRKSEN. Mr. Chairman? Bear with me one moment while I make a comment. Well, Mr. Welch, I don't know about



meeting some robber in a dark alley, with that strong silent character Mr. St. Clair, who would come to the rescue. But that, of course, would refer to a criminal perpetration, which is certainly not before us. Here are charges that embrace no incident, no misdemeanor, no felony. Here you have charged a member of the committee staff with undue and improper influence. I have been waiting for the proof, and it has not come. And certainly it is within the province of any judge, when the proof has not sustained the charge, to direct a verdict, and that is precisely what is being done here. The court doesn't have to wait for the end of the proceeding. It can remove the cloud from the litigant or a participant or even from one charged with criminality, when it appears to the court that that should be done, and that is precisely what is before us today. You charged affirmatively in your statement that there was improper influence on the part of Mr. Carr. You come now and say that by his silence he may have given consent. I simply do not agree. It was your responsibility to make an affirmative case to this committee sitting as a jury, and you have utterly failed to do so in my judgment.

For that reason, I gladly sustain the motion that is before us.

Mr. WELCH. One more word. Let us not forget that Mr. Carr made charges against Mr. Stevens and Adams. He charged them with blackmail. He charged them with the hostage theory, and he in one of his memoranda made that incredible charge that Stevens said he would sell the Navy and Air Force down the river, and supply the witnesses that would sink the other two services if they would only let go of the Army. That abominable charge, if you will permit me to say so, is a charge originated by Mr. Carr, and that will stand in this record in the typewriting when those memoranda are in the case. I say I wish to cross-examine him on that charge.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. Mr. Chairman, first I would like to, if I might, correct a phrase that has been used so often here inadvertently, and it has been used by myself a number of times. We referred to the Army. I think it should be made very clear that this is not the Army that is involved. It is a few little men from the Pentagon, woefully not in uniform. Mr. Chairman, when I asked Mr. Frank Carr to come with this committee, he was then in charge of the subversive group of the FBI over in New York. He was a supervisor of some of their most highly trained investigators, approximately 200 in number, all investigating communism, treason, subversion, and at that time I told Mr. Carr that he would be thoroughly smeared, he would be accused of everything on earth if he came with this committee. From past experience I know that to be true. I think it is very fortunate, and I think Mr. Welch has performed a service to Mr. Carr and the American people, by having this smear with a jury of 5 or 10 million people. I think Mr. Welch underestimates the intelligence of this jury.

They know that while you issued charges, normal charges, in writing, not on the spur of the moment—signed by Mr. Welch—acquiesced in by the other civilians in the Pentagon, you charge Mr. Carr with making threats, and almost everything in the book. You knew that if we believed those charges, it would mean the reputation, it would mean the job of Mr. Frank Carr. There was no doubt in your mind

about that, Mr. Welch, no doubt in the minds of your clients, Mr. Adams and Mr. Stevens.

Now when your case is over, when your evidence is all in, when you can find nothing against Frank Carr, you have no evidence against him, except you say in answer to Senator Jackson's question maybe the monitored phone calls might produce something—you know the only monitored phone calls were the calls monitored by Mr. Adams after I refused to accede to the blackmail attempts. You know they were self-serving, you know Mr. Adams testified to those in detail, so you know there is nothing new.

This is a new ruse. May I say to the Chair and to the Senators, as a judge I have seen many dishonest attempts by clever little lawyers to smear and distort the facts. But in all my record as a judge, as head of this committee, I have never in my life seen a man do what Mr. Welch is doing now, namely, after he admits he has no evidence, he still tries to tell 10 million people in the television audience that Mr. Frank Carr here, with the tremendous record he has, the most outstanding young man I have ever seen, with the most outstanding record, he still says, "Well, let's keep him in here. Maybe somehow, some place, sometime, we can get the reputation and the job of this man."

I may say that Mr. Welch, Mr. Chairman, has I think perhaps given a new name to hearings. They should be labeled from now on, if he is directing the case, and I emphasize not the Army, directing the case of these few little civilians in the Pentagon, they should be labeled "smearings" instead of "hearings."

And again in conclusion, Mr. Chairman, I sincerely hope that all of us, including myself, I have been guilty of it a number of times, that we don't refer to this as the Army case, because this is not the Army case, and I know from the calls I get that a great number of combat men in the military get awfully sick away down deep inside when they hear this effort to cover up Communists being labeled as an Army case.

Senator MUNDT. The Chair would like to say this, before voting, because he at one time before listened to the persuasive powers of Mr. Welch and voted with him in a very important decision, at which time the Chair departed from his Republican brethren and voted with the Democratic members of this committee, because he felt the Democratic members of this committee were right, and he felt that Mr. Welch had reported a position of his client which the Chair sustained in the interest of justice and fairness.

He has again listened to Mr. Welch. He finds him a bit less persuasive today than in his earlier endeavor to persuade the Chair. I think the Chair should explain to Mr. Welch why is not quite as persuasive with the Chair today as formerly.

In the first place, the Chair devoted the better part of 2 days to interrogating Secretary Stevens about any specific charge he cared to make against Mr. Carr. And at the conclusion, in substance, Secretary Stevens said;

If I were the jury, on the basis of my testimony alone I would acquit Mr. Carr.

But he implied Mr. Adams might have some very destructive and pointed and specific testimony against Mr. Carr. So the Chair devoted the better part of 2 days to interrogating Mr. Adams about Mr. Carr. He went specifically into the four points that you mentioned,



the train ride, the Sioux Falls calls, the Amherst call, and the meeting in the Methodist Building. And at the conclusion of long colloquies, which you did not read today, for lack of time—at the conclusion of those long colloquies—he asked Mr. Adams specifically in each instance whether he considered anything that was done in connection with any of those four contacts to be in the nature of improper means to influence the Army in the direction of granting favors to Mr. Schine or in any other direction. And each time under oath Mr. Adams said “No”.

Then he said late, as you have said even more belatedly, that he felt, however, that perhaps in the memoranda issued on March 11 there was something to incriminate Mr. Carr. That was not very persuasive when Mr. Adams said it, Mr. Welch, nor when you said it, because I knew, and he knew, and you know that at the time you prepared your carefully drawn set of specifications to which you signed your name, which it was testified you prepared after consultation with the records of the principals, not one single mention was made of the memoranda on which you now propose to indict Frank Carr. Nor can I be as much persuaded as I might be about this new suggestion that perhaps you now have found something which will indict Frank Carr.

Perhaps there is something in a monitored telephone call between Mr. Adams, who testified he found nothing up until March 11, which would indict Mr. Carr, in the face of the testimony of Mr. Adams that he found nothing before March 11 with which he could quarrel seriously concerning the proper conduct record of Mr. Carr.

I am not too much persuaded by your expression of the hope that these calls, when they are entered, will disclose such a fact.

But for your solace, Mr. Welch, may I say this: You are not before a judicial tribunal. You are before a committee of the Senate. Any action that the Senate takes is reversible. If we make an error in voting now to dismiss Mr. Carr as a witness and Mr. Hensel as a witness, if it develops that you can in fact elicit from the friends of Frank Carr statements with which to indict him which you could not produce by consultation with those who proposed to be against him, then of course we can reverse our position on the basis of such evidence.

On the basis of the full story as told up to now, and your complete failure to specify a single direct charge against Mr. Carr of improper behavior, the Chair feels that in common justice he should vote at this time, at the conclusion of your case, certainly, to dismiss him as a witness and to dismiss the charges—subject to reversal if in fact, as I suggest, you succeed in getting from his friends who are about to be the witnesses evidence against him which you could not produce by putting your own people on the stand.

May I suggest finally that I think it is very important that when we have a man of the importance of Mr. Hensel, who is needed in the Defense Establishment, for whom there has been no charge substantiated, on whom the committee has already ruled that the basic and most serious charges cannot be considered because they are beyond the purview of this controversy, dealing with incidents some 10 years ago—the Chair does not propose to be goaded into extending these hearings and prolonging them and bringing in additional witnesses when those presenting the charges against Mr. Hensel are perfectly willing to see them adjudicated in this way.

Both of those statements are made to you, Mr. Welch, in the hope that they may give you some comfort by virtue of the fact that senatorial bodies do sometimes reverse themselves, perhaps more frequently than judicial tribunals.

Senator POTTER. Mr. Chairman.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Chairman, I am convinced that the Army's case was very well presented by Secretary of the Army Stevens and Counsel John Adams. I think the other collateral witnesses added little to the testimony that the Army presented.

I concur and I think the concurrence has also been expressed by at least one member on the other side of the aisle, Senator Jackson, if I recall a newspaper account over the weekend—that at best the case against Mr. Carr is exceedingly weak.

The Army has more or less presented its case against the three principals—Senator McCarthy, Mr. Cohn, and Mr. Carr. It would seem to me that Mr. Carr as a witness would add little unless Senator McCarthy or Mr. Cohn brought into testimony the memoranda which you mentioned. If they fail to bring into evidence and testify on the memoranda from Mr. Carr, then I would say that the importance of Mr. Carr as a principal witness certainly is not great.

However, if Senator McCarthy or Mr. Cohn, in the course of their testimony, bring in the memoranda from Mr. Carr, then I would say that you would have a perfect right and the committee would be bound to offer Mr. Carr as a witness in that respect.

But until that is done, I would say that his position would be the same as Mr. Hensel's. The charges against Mr. Hensel have not been brought in. If they were brought in, I am certain that Mr. Hensel would want to be a witness. But if they are not a part of the testimony, it is the duty of the person who makes the charges to offer evidence, and what he fails to offer in evidence, irrespective of public statements that are made, is not to be considered as part of this controversy.

So at this point I would say that since the charges made are not substantiated by proof in this hearing, when the charges against Mr. Carr at this time are not substantiated, both Mr. Hensel and Mr. Carr should be excused as principals—with one proviso, however, that in case, during the course of the testimony of Senator McCarthy and Mr. Cohn, the memoranda of Mr. Carr are used as part of their testimony, Mr. Carr then should be submitted as a collateral witness.

Senator MUNDT. Does any other Senator desire to speak?

Senator McCLELLAN. I want to say one thing, Mr. Chairman: I don't want Mr. Welch to get any false hopes that there will be any reversal. This is going to be final, and he is going to be eliminated. I want to say I agree with you. You say you do not agree with my politics. That is your privilege. But I want to say I agree with you as to the merits of the case. I do not mean that I would vote to sustain it after all the evidence is in, but as a lawyer I believe I know, taking into account the memoranda that have been issued publicly, certainly he is still a proper party to this proceeding until all the testimony is in. I agree with you.

The first thing I said with respect to this motion was that the two issues in the motion should be severed, should be offered separately, and I made that request. But I don't think it will make any differ-

ence. I think the vote is going to be just the same anyway. Maybe it will shorten it. I want to say that I have never before seen a case dismissed where the accusing party was in court and refusing to withdraw the charges where the charges actually made a case if sustained by evidence.

Gentlemen, you are not deceiving the American people, this great jury that you have heard of, watching these proceedings. Here are the serious, damnable charges being made against Mr. Hensel, and you have the accusers right here in the room, apparently tacitly consenting to the dismissal of those charges when, if they ought to be dismissed, they ought to be dismissed by those who made the charges stepping up here and publicly withdrawing them.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. I will be glad to yield to Mr. Welch. He was kind enough to yield to me.

Mr. WELCH. Oh, no, Senator.

Senator SYMINGTON. Mr. Chairman, then I will proceed.

I would like to ask would the Chairman consider a question of further vote? I would like to ask a question.

Senator MUNDT. Go ahead.

Senator SYMINGTON. While I would very much like to ask a question, I don't want to goad you about it.

Senator MUNDT. I don't object to being goaded. Go ahead, whether it is a goad or not.

Senator SYMINGTON. Maybe it is a sheep. I don't want to get your "goad." In any case, I would like to ask this question: Do you intend to vote to call Mr. Carr as a witness?

Senator MUNDT. Not unless some evidence is made against him. If there is some evidence against him, then I can say I can reverse my position.

Senator SYMINGTON. What you are really doing—

Senator MUNDT. Wait a moment. I am not going to vote to call all the Americans into assembly before this committee, which is trying to expedite these hearings, unless there is some evidence adduced against them.

Senator SYMINGTON. Now, Mr. Chairman, I want to be sure I understand your position. Mr. Carr is, has, accused the Army of trying to blackmail him. He states:

I am convinced that they will keep right on trying to blackmail us as long as Schine is in the Army.

This is a memorandum of December 9, which was written to Senator McCarthy from Mr. Carr. Don't you think that we should have the right to question Mr. Carr about that?

Senator MUNDT. We have a right to question him on anything that is before this committee in the nature of sworn testimony. If it comes in, you certainly have.

Senator SYMINGTON. These are charges. This isn't sworn testimony. I would like to ask the Chairman again. Will he call Mr. Carr as a witness. Will he agree to before this vote?

Senator MUNDT. The Chair is concerned, as he has said many, many times, only with sworn testimony. He does not propose to follow all the newspaper reports on these hearings down to the last minute. But he is entirely convinced that any sworn testimony should be cross-examined. He has taken that position from the very start.



Senator SYMINGTON. Mr. Chairman, these hearings are being called because of these charges. Mr. Carr has stated that the Army was blackmailing the committee. On that basis, wouldn't he agree that Mr. Carr should be called before this committee?

Senator MUNDT. May the Chair state that none of the charges, so-called, prepared by either entity to the dispute, have been entered into the record of the hearing. All we have is sworn testimony. We have provided 20 days, or more than 20 days, for the Stevens-Adams side presentation of the case.

Senator JACKSON. May I call to your attention, do you remember my true-false questions, when I asked Mr. Stevens on this very point, and he denied under oath that such a blackmailing attempt had been made? I am sure I asked that. I will have to look up the record. Are you going to not permit the other side to deny it under oath? What is the point of asking these questions?

Senator MUNDT. There has been no sworn testimony that I know on the part of either Mr. Adams or Mr. Stevens or anybody else.

Senator JACKSON. Secretary Stevens denied it under oath.

Senator MUNDT. The Chair does not mind being asked questions, but if he is not going to be permitted to answer them, it seems—

Senator JACKSON. If the charges are being put to a person, shouldn't the person who made the charges against them be given an opportunity to deny or admit them? I never heard of such a thing.

Senator SYMINGTON. Mr. Chairman, this is a very serious matter. It looks to me as if a deliberate effort is being made by the majority in the committee to prevent Frank Carr from taking the stand in order to be examined by the Army. That is the reason for these hearings. You didn't have any sworn testimony when you started these hearings, and you put the others on the stand. Now, I would like to ask a question before this vote so we will understand whether this is a slick whitewash, in my opinion, or not. Do you intend to call Mr. Carr before this committee if it is the request of Army counsel that he be called in order to give the truth to the people?

Senator MUNDT. The Chair has said he stands ready to reverse any position he takes providing the Army under oath brings some charges against him.

Senator SYMINGTON. If you say reversed, does that mean at the present time you would vote against calling Mr. Carr as a witness in this case?

Senator MUNDT. On the basis of the failure to produce any evidence against him under oath now, the answer is "Yes."

Senator JACKSON. Weren't the hearings started, Mr. Chairman, on the basis of these allegations? I don't know what we are here for if it wasn't for the basis of these allegations. I wouldn't have asked these questions. I assumed that the charges made represented the views of the individuals who signed them. And on the basis of that, I put a lot of questions. I think that particularly in this particular situation we asked the Secretary of the Army specifically whether the statements referred to by Senator Symington in the memorandum of December 9 were true or false, and it would seem to me that the other party ought to respond. I just don't understand this at all.

Senator SYMINGTON. Mr. Chairman, this is a very serious matter, I repeat. If I may read from the letter of December 9, 1953. Mr. Carr, to Senator McCarthy:

What I want to tell you is that I am getting fed up with the way the Army is trying to use Schine as a hostage to pressure us to stop our hearings on the Army. Again today John Adams came down here after the hearing and, using clever phrases, tried to find out "What is there in it for us" if he and Stevens did something for Schine.

That is in the same memorandum, I repeat, that he said:

I am convinced that they will keep right on trying to blackmail us as long as Schine is in the Army.

Now, for the 21 days we have heard the Army trying to defend itself against these charges and, as I get your position, as chairman of this committee, you are now taking a position that you do not feel at this time that Mr. Carr should be called before this committee in order to get the truth, is that correct, sir?

Senator MUNDT. The answer to your question is emphatically it is not correct.

Senator SYMINGTON. Would you say whether you will vote to call Mr. Carr before this committee, before we vote to make him a principal or not to make him a principal?

Senator MUNDT. The Chair will be happy to reiterate the reply he made to the same question a minute ago. He gives the same answer.

Senator SYMINGTON. Can I hear that, sir?

Senator MUNDT. Certainly. The Chair will vote to call Mr. Carr if there is substantial evidence, if there is sworn testimony presented against him. These presentations on behalf of Mr. Adams and Mr. Stevens have been given under oath. The Chair has said he does not propose to pursue newspaper comments about Mr. Hensel or newspaper stories about Mr. Carr, or any other newspaper stories, except those that desire to make under oath specific charges which have to be entered.

Mr. SYMINGTON. One more question, Mr. Chairman, on this subject: Do you believe that to date there has not been enough evidence to justify calling Mr. Carr, despite the memorandum that was put into evidence by Senator McCarthy and Mr. Cohn and Mr. Carr?

Senator MUNDT. The Chair will say more concisely now, I hope, what he said at great length sometime ago, that on the basis of the sworn testimony of Mr. Stevens, and Mr. Adams, and on the basis of the case presented by Mr. Welch, he finds no specific charge of any kind made against Mr. Carr indicating that he was improperly endeavoring to influence the Army.

Senator JACKSON. May I call this to the Chair's attention. The Secretary of the Army and, I believe, Mr. Adams—I put the same question to both—have testified under oath that the allegation by Mr. Carr in the memorandum of December 9 is false.

Now, that means that someone is not telling the truth. The Chair or this committee is going to be in the position that they are not going to hear the other side of it. And may I add this, may I add this, Mr. Chairman: It is significant. There are 2 sides in each 1 of these situations. First, there is a denial by the principal, and then they assert affirmative charges. Are you going to deny Mr. Carr the right to offer proof that Mr. Schine was being held as a hostage? That is his charge in the memorandum. Is it withdrawn?

Mr. COHN. Mr. Chairman.

I haven't said anything, sir, for a number of hours. I have been waiting to be called as a witness. I think, sir, if I could be called as a witness, I am ready, willing, and able, I hope, sir, to answer

practically all of the questions which Mr. Symington and Mr. Jackson have raised about the issues in this case. I am ready to do that. I think, sir, we might save an awful lot of time if I could be permitted to do that.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Are you ready to vote?

Senator SYMINGTON. I am not ready to vote. If I may comment about this matter; I have respect for Mr. Cohn's ability as a lawyer, and I am sure that some of these questions he could clarify. But the plain facts are that Senator Jackson asked the Secretary of the Army whether the charges made by Mr. Carr, produced as evidence in this courtroom, or in this hearing, under oath, were true or false. And Secretary Stevens said they were false.

Therefore, he has accused Mr. Carr of making false untruthful statements. It seems to me absolutely incredible that at this time, if we are going to relieve Mr. Carr as a principal in this case, you, as chairman of this committee, with the dignity and the integrity of the United States Senate at stake, are not willing to say that regardless of whether he is or is not eliminated as a principal, you will vote with the three Democratic members of this committee to see that he is summoned as a witness. I ask you again, with deep respect and sincerity, please, to say that regardless of whether he is or is not voted out as a principal, that you will vote with us to call him as a witness, even if just as a plain ancillary witness?

Mr. WELCH. Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I had hoped I was through.

Senator MUNDT. I am glad to recognize you again.

Mr. WELCH. I am confident, Senator Symington, that this committee will not at this moment wish to take that second step. I think I can count votes, and I think I observe Mr. Carr disappearing as a principal in the case. Certainly there are enough lawyers in this room and in this country who hear my voice who will know this simple thing: that when he sat in a room in which Cohn said something and Stevens said something, we are entitled to have the version of the strong, silent man who sat and listened. Maybe he will help me some. Maybe he will hurt me some. But his recollection as he sat and listened so perfectly as he did, is material in this courtroom.

Nothing, Mr. Chairman, is more familiar to lawyers than this, that if there is a witness in the control of one party who could give material evidence and isn't called, the other party may say, "You may draw the conclusion, Mr. Foreman and gentlemen, that if he had been called he would have hurt the man who didn't call him." Everybody knows that.

I beg of you. I can take one stab in the heart a day. I can see Mr. Carr go out as a principal if I have to.

Senator Potter, I couldn't believe, sir, you were going to announce your vote as you have, but I think you have done so.

May I say sadly, gentlemen, that it seems strange to me that these Republican lips of mine, Republican for 64 years, with the single exception of Al Smith, whom I admired—that these lips can convince only Democrats, my natural enemies, and that the Republicans, whom I love and cherish, find my words are dust and ashes.

Senator MUNDT. Senator Dirksen?



Senator DIRKSEN. Mr. Chairman, it is quite evident now that the new charge against Frank Carr is guilt by silence. Everybody must assume his responsibility in public service by letting the country know how he votes. No one needs to be solicitous, Mr. Welch, or may I say to my colleague on the left side of the chairman, about my political skin. I have never ducked a vote and a responsibility. I think this is a duty on the part of the committee.

Mr. Chairman, it has been thoroughly ventilated. I suggest we vote.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Are you ready to vote?

Senator SYMINGTON. No. I want to ask one more question before the vote, for the record.

I was a little mixed up about who had signed on the monitored telephone conversations. I am beginning to think maybe they are disappearing with Mr. Carr. Would you be good enough to tell the committee who has agreed to put the monitored calls into the hearings and who has not, as a result of the executive hearing this afternoon?

Senator MUNDT. The Chair stated to the best of his recollection immediately after the meeting what had taken place. I believe that I am correct in my statement that on the basis of the previous agreement, the telephone calls involving Mr. Carr and Mr. McCarthy and Mr. Cohn have been delivered to the counsel; that on the basis of 7 signatures made by the 7 members of this committee this noon, Mr. Welch has agreed to deliver to the counsel immediately after this meeting the telephone conversations involving the members of this subcommittee, so that counsel tonight will have available all of the transcripts and be able to report back on those that are relevant so they can be introduced in evidence.

Senator SYMINGTON. That was not my question, Mr. Chairman. My question was that the agreement which Mr. Welch signed and gave—I know the three Democratic members signed it. I believe I saw you sign it. I would request that you ask all the principals if they have signed the memorandum that was given us today. I do not know whether the other Senators on the Republican side have.

Senator MUNDT. The Chair has already announced that it was signed by the seven members of this committee, by Mr. Adams, by Mr. Stevens, and by nobody else.

Senator SYMINGTON. Was it signed by Senator McCarthy?

Senator MUNDT. It has been signed by nobody else.

Senator SYMINGTON. Or Mr. Schine?

Senator MUNDT. It had been signed by nobody except Stevens, Adams, and the seven members of the committee.

Senator SYMINGTON. Before we start moving around with the telephone calls, may I ask that you ask the other principals, at least the ones that are here, whether or not they signed the monitored telephone calls? I think this goes in with the question of getting the evidence based on the vote in respect of Mr. Carr.

Senator MCCARTHY. Mr. Chairman, I am getting awfully weary of this filibustering here. Mr. Symington knows, there is no doubt in his mind, that my monitored calls were made available, Mr. Cohn's were made available, Mr. Carr's were made available to Mr. Jenkins. He knows also that in executive session today—he was there—that it was agreed that all other monitored calls be given to Mr. Jenkins,

and Mr. Jenkins and his staff go over those calls and decide which ones should be in evidence.

I just wonder if we couldn't get rid of this filibuster and have a vote and get Mr. Cohn on the stand, and get some of these facts. I have heard so many people saying they want to see Cohn and McCarthy on the witness stand under oath, I just don't like to see them filibustered off now.

Senator SYMINGTON. May I ask a question?

Senator MUNDT. The discussion must be devoted to the motion.

Senator SYMINGTON. The question I would like to ask Senator McCarthy—and I honestly don't know it and I went to the executive session—is whether he has signed the paper along with the rest of us to put the monitored calls into the record.

Senator McCARTHY. Senator Symington, you do know, if I may correct you. You know, Stu, that I signed a paper 3 weeks ago allowing Mr. Jenkins to get my monitored calls. You also know that we discussed that in detail today, and I wouldn't discuss an executive session except that you are asking me to. We discussed the matter in detail today, and it was agreed that all phone calls should go to Mr. Jenkins and that after he makes up his mind and wants to make recommendations to the committee as to which ones are properly part of the evidence, then we meet again and vote those in evidence that we consider proper.

As I have said before, I want all the phone calls in. Even if we are prevented from getting all of them in, I think that I will go on getting even the abbreviated calls in.

I am waiting for Mr. Jenkins to get your calls, as he has had mine for 3 weeks. Mr. Welch has had mine. I assume Mr. Welch having had them, there isn't anything very secret about those phone calls any more.

Senator SYMINGTON. Could I ask one more question, and that is, Senator, Did you sign the paper that the rest of us signed today?

Senator McCARTHY. No. I signed it long before you did, Senator.

Senator SYMINGTON. That is a different one. This is to make it public record.

Senator McCARTHY. Senator, let's not waste time. You know I did not sign the paper. You saw it.

Senator SYMINGTON. I did not know it, because I was told by the chairman that he thought you had.

Senator MUNDT. Wait a minute. The Chair announced openly and publicly, to keep the record straight, that it was signed by the 7 members of the subcommittee. The Chair does not like to have the Senator from Missouri misrepresent what he said. It is in the record. The Chair never made a statement of that kind, and the Senator should know it.

Senator SYMINGTON. My belief is that the Chair gave me the impression that everybody had signed today except Mr. Schine, who was not here.

Senator MUNDT. I suggest the Senator read the record of what the Chair announced publicly. He did not talk privately with anybody.

Senator SYMINGTON. I stand corrected, if I am wrong about that.

Senator McCARTHY. Could I answer your question, Senator Symington?

Senator SYMINGTON. Yes.

Senator McCARTHY. The answer is, I did not sign the document you signed today. I signed one 3 weeks before you did. Couldn't we possibly get a vote on this and go on with the hearing?

Senator SYMINGTON. I would be glad to, but I would like to say that the reason I didn't sign it some days ago, and that the other Democratic members didn't sign it, was that it was for release to the counsel only and not to the public as a matter of the record. The statement that was drawn up by Mr. Welch today was a statement that released all the monitored calls for the record, to the public. I am sorry that I did not understand at the executive hearing and that I did not understand when I asked Chairman Mundt. I thought he said that everybody had signed but Private Schine.

Senator MUNDT. You will read in the record what I said. I said it openly in the record. Are we ready to vote?

Mr. BRYAN. Mr. Chairman, before you vote, sir, may I be heard? May I be heard for one brief interval?

Senator MUNDT. All right.

Mr. BRYAN. I want to make this entirely clear to this committee and the American public before this vote is taken. Mr. Hensel, regardless of what vote is taken in this committee, stands ready and willing to appear before this committee at any time. If at any time, there is any material introduced in this record which should affect Mr. Hensel in any invidious fashion or purport, Mr. Hensel will come to this committee and ask to be heard before this committee in no uncertain terms. Now, let's get that clear.

Senator MUNDT. As the Chair already stated, Mr. Bryan, perhaps you didn't hear him, that if there is evidence produced under oath by any of these parties, the committee certainly will call the witnesses. These actions are reversible. You have stated that position now, and made it very clear, and we accept it.

Mr. BRYAN. I want to say one more thing, and that is this: I do not want this committee vote and my client does not want this committee vote, to be given on any basis that he is seeking to escape from the responsibility for answering any charges of any kind made against him. I want this committee to understand when it votes that if this committee decides that these charges against Mr. Hensel should be dropped at this time, and Mr. Hensel vindicated Mr. Hensel necessarily will accept that vindication. But I make no plea to this committee other than the plea to vote justly and fairly, and to give Mr. Hensel whatever they vote they think should be given to him and none other.

Senator MUNDT. Are you ready for the vote? The Chair suggests a roll call. You have heard the motion made by Senator Dworshak and seconded by Senator Dirksen. I do not need to restate it. Those in favor will say "Aye." Those opposed, "No."

Senator McClellan?

Senator McCLELLAN. No.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Aye.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. No.

Senator MUNDT. Senator Potter?

Senator POTTER. Aye.

Senator MUNDT. Senator Jackson?

Senator JACKSON. No.



Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. Aye.

Senator MUNDT. The Chair votes "Aye." The motion is carried. Mr. Cohn will come to the stand.

Mr. JENKINS. Mr. Chairman, I desire to call as the first witness for Senator McCarthy and Mr. Cohn, Mr. Roy M. Cohn.

Senator McCLELLAN. Mr. Chairman, I make a substitute motion, or I offer a motion, that Mr. Carr be called as the first witness instead of Mr. Cohn. Let's settle it right now.

Senator SYMINGTON. Mr. Chairman, I second that motion.

Senator MUNDT. Are you ready for the vote?

Those in favor will say "Aye."

Senator McCLELLAN. Call the roll.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Aye.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. No.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Aye.

Senator MUNDT. Senator Potter?

Senator POTTER. No.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Aye.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No.

Senator MUNDT. The Chair votes no.

The motion is lost.

Mr. Cohn?

Senator McCARTHY. Mr. Chairman, just 10 seconds.

Mr. Carr has asked me to tell you that he has refrained from making any speeches here because he takes the position that he will always follow the orders of the chairman of this committee, Senator Mundt, and he will, if called by the chairman, appear; if not called by the chairman, he will not appear.

Senator MUNDT. Very well.

The Chair has already announced that if those representing the Stevens-Adams side of the case make charges against him, he will be called, if the charges are made under oath.

Mr. Cohn, you will stand and be sworn. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHN. I do, sir.

### TESTIMONY OF ROY M. COHN

Mr. WELCH. Mr. Chairman, before I vacate this chair that I have occupied so long, I would like to say that it will, I think, be necessary for Mr. Carr to remain in the room, because I am very confident that there will be numerous occasions on which I shall now be forced to ask the witness to confer with him and secure answers to questions.

Senator MUNDT. That can be arranged.

Mr. COHN. Mr. Chairman, on that point, sir, I might say Frank is right downstairs, as you know, and he can be here in 2 minutes' notice at any time to give us any information Mr. Welch might want.



Senator MUNDT. The Chair would like to add that one reason he voted as he did to expedite these hearings as much as he could by throwing out the evidence which has not been testified to under oath, was that both Mr. Hensel and Mr. Carr could get back to the very important work in which they are respectively engaged, Mr. Hensel in connection with the national defense, and Mr. Carr in connection with protecting our defense establishment against infiltration by Communists.

I am talking about the commercial establishments.

Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, Mr. Cohn has now been sworn as the first witness for Senator McCarthy and Mr. Cohn, joint defendants.

Senator SYMINGTON. Mr. Chairman? May I just make one statement before we start this interrogation?

Mr. JENKINS. As far as I am concerned, Senator, certainly.

Senator SYMINGTON. I said with respect to Mr. Hensel that I thought it ought to go to the full committee and if necessary to the floor of the Senate. I want to make it very clear that on the basis of the decision taken by this vote, I think this procedure is a white-wash, and I do not think we will get the truth. Therefore, I shall also take the question of Mr. Carr appearing before this committee before the floor of the United States Senate.

Thank you, Mr. Chairman.

Senator MCCARTHY. Mr. Chairman, that will be another good way of keeping this show on the road for a while.

Senator MUNDT. Mr. Jenkins?

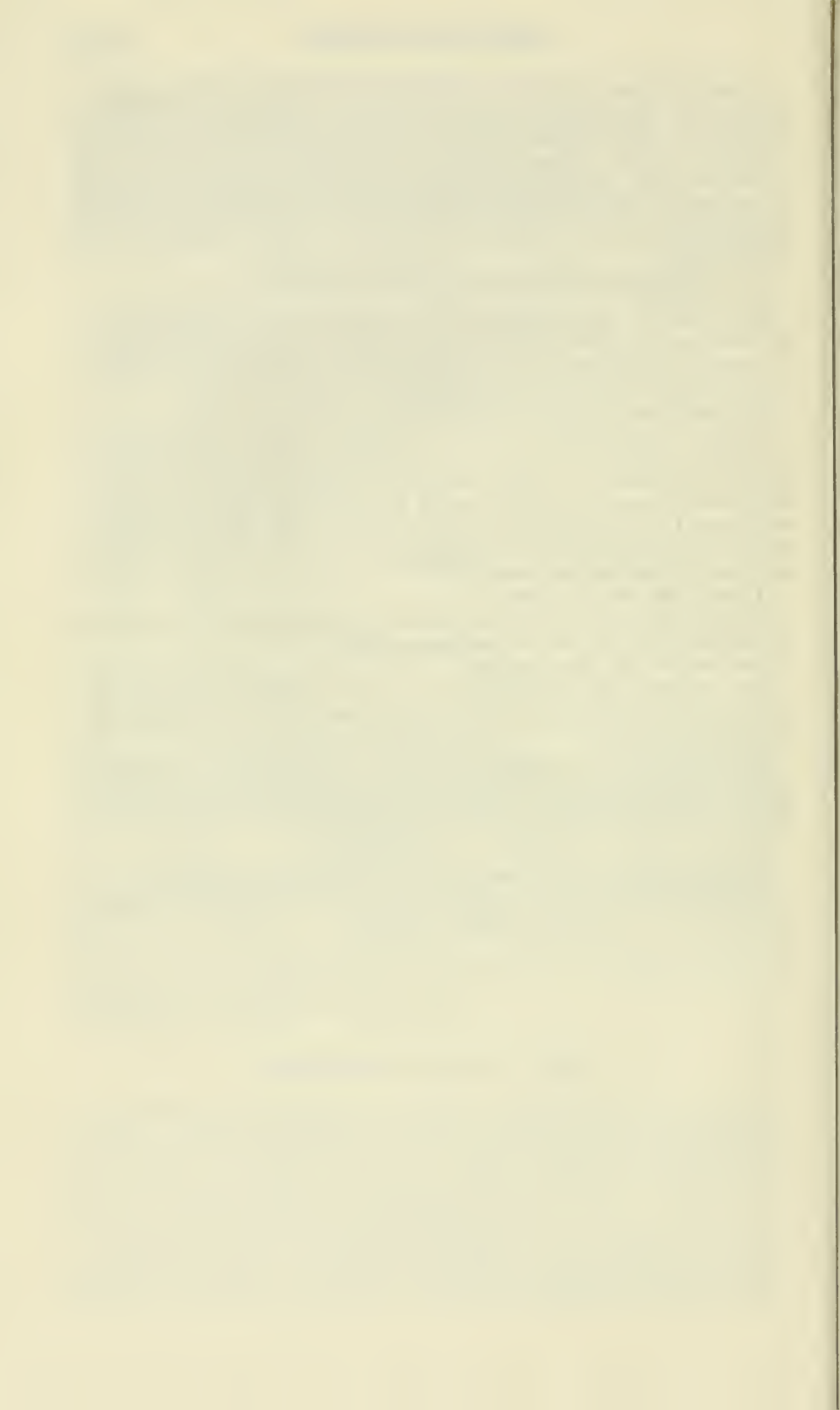
Mr. JENKINS. Mr. Chairman, we have now officially begun the testimony on the other side, Mr. Cohn having been sworn and having taken the witness stand.

I observe that it is a quarter of 5 o'clock. That is within 15 minutes of quitting time. Mr. Cohn's testimony will necessarily be lengthy. It is my suggestion that we defer the beginning of the direct examination of the witness until tomorrow's session.

Senator MUNDT. All right. It is unanimous.

We will stand in recess until 10 o'clock tomorrow morning.

(Whereupon, at 4:45 p. m., the hearing was recessed, to reconvene at 10 a. m., Thursday, May 27, 1954.)



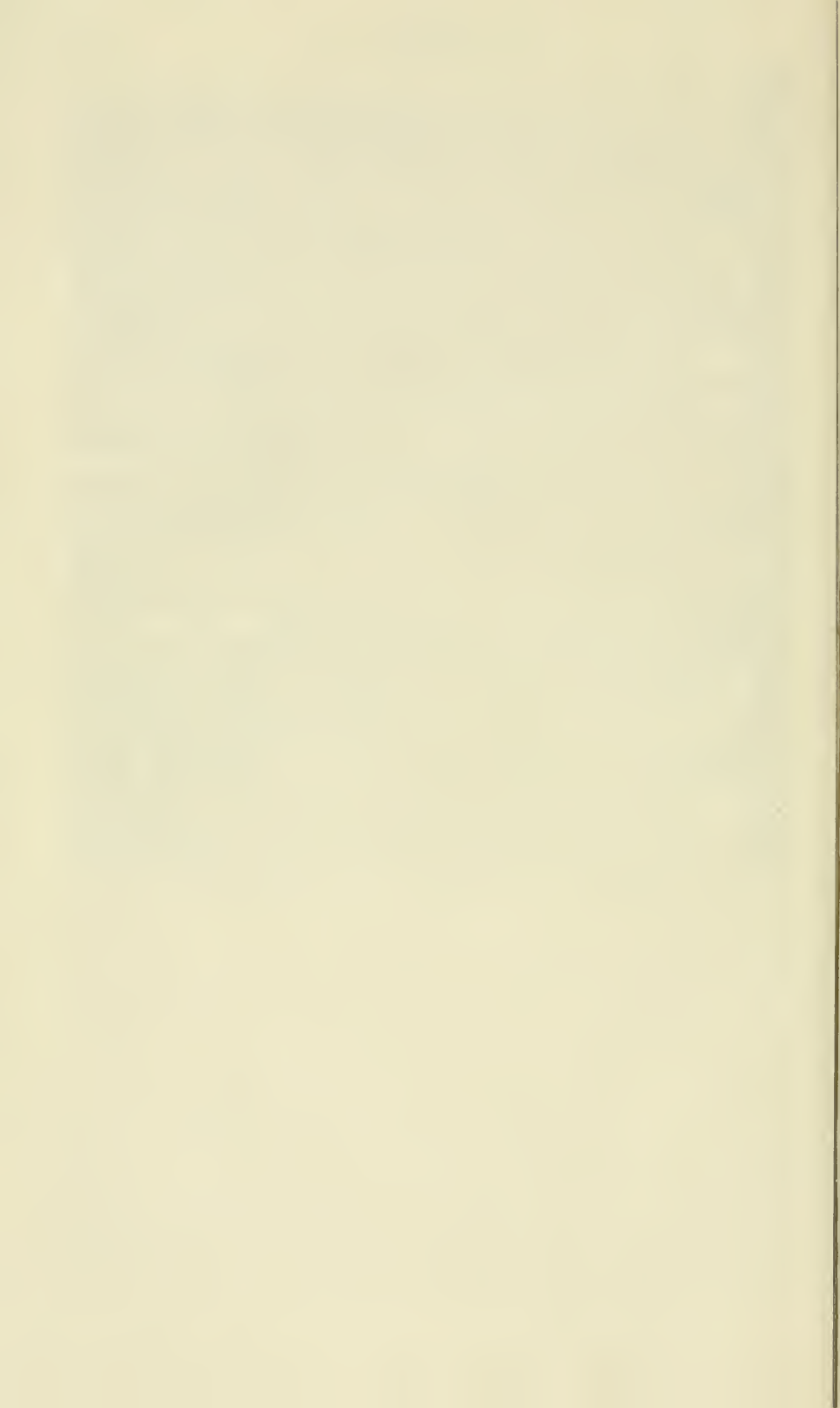
# INDEX

	Page
Adams, John G.....	1514-1517, 1523, 1524, 1531, 1533-1542, 1544
Air Force (United States).....	1516, 1539
Amherst.....	1534, 1541
Anglo-Saxon law.....	1528, 1529
Armed Services Committee (Senate).....	1530, 1532
Army (United States).....	1519-1523, 1532-1546
Assistant Secretary of the Navy.....	1526
Baltimore Sun.....	1515
Blount, Lieutenant.....	1535
Boston, Mass.....	1536
Bryan, Mr.....	1525, 1527-1529, 1531, 1549
Carr, Francis P.....	1514, 1518, 1521-1524, 1527, 1532-1547, 1550, 1551
Chesapeake Telephone Co.....	1516
Christmas.....	1534
Cohn, Roy M.....	1514,
1517, 1518, 1521-1523, 1526, 1532-1535, 1537, 1542, 1545-1548,	1551
Testimony of.....	1550
Communist-line newspaper.....	1515
Communist major.....	1517
Communist Party.....	1515-1518, 1527, 1540, 1551
Communist sheet.....	1515
Counselor to the Army.....	1514-1517, 1523, 1524, 1531, 1533-1542, 1544
Daily Worker.....	1515, 1516
Defense Establishment.....	1541
Department of the Army.....	1519-1523, 1532-1546
Department of Defense.....	1527, 1528, 1533
Dirksen, Senator.....	1523
Distinguished Service Medal.....	1526
Duckett, Mrs.....	1517
Dworshak, Senator.....	1523, 1526
Executive order.....	1524, 1529
Federal Bureau of Investigation (FBI).....	1515, 1516, 1539
Fort Dix.....	1533, 1535
Henry Luce's magazine.....	1515
Hensel, H. Struve.....	1522-1532, 1541-1543, 1549, 1551
Hensel vote.....	1549
Hoover, J. Edgar.....	1516
Inspector General.....	1517, 1520
Inspector General's Office (Investigations Division).....	1517
Investigations Division (Inspector General's Office).....	1517
Jackson, Senator.....	1529, 1540, 1546
K. P. (kitchen police).....	1534
Letter to Jenkins (Secretary of the Army, May 13).....	1518
Lucas.....	1520
Luce, Henry.....	1515
McCarthy, Senator Joe.....	1514-1522,
1524-1529, 1531, 1532, 1534-1536, 1539, 1542-1545, 1547-1550	1515, 1518, 1520
McCarthy committee.....	1535
Methodist Building (Washington, D. C.).....	1548
Monitored phone calls.....	1539
Navy (United States).....	1534
New Year's.....	1528, 1533, 1534, 1537-1539
New York City.....	1515
New York Herald Tribune.....	1515, 1516
New York Post.....	1516
New York Telephone Co.....	1516



	Page
New York Times.....	1515
Newark Airfield.....	1534
Newark Pennsylvania Railroad Station.....	1534
Pennsylvania Railroad Station (Newark).....	1534
Pentagon.....	1530, 1534, 1539, 1540
Peress, Maj. Irving.....	1517-1520
President of the United States.....	1527-1531
Presidential directive.....	1527, 1529, 1530
President's letter to the Secretary of Defense.....	1529
President's order.....	1529
Republican luncheon.....	1520
Ryan, General.....	1533, 1535
St. Clair, Mr.....	1523, 1538, 1539
Sampson, Mr.....	1516, 1517
Schiff, Mrs. Dorothy.....	1515
Schine, G. David.....	1514,
	1517, 1521, 1522, 1533-1535, 1537, 1538, 1541, 1544, 1545, 1547-1549
Seavey, Mr.....	1516
Second World War.....	1526
Secretary of the Army.....	1514-1518,
	1520, 1523-1525, 1529, 1531-1535, 1539, 1540, 1542, 1544, 1545
Secretary of the Army (letter to Jenkins, May 13).....	1518
Secretary of Defense.....	1529
Senate Armed Services Committee.....	1530, 1532
Senate of the United States.....	1530, 1541, 1551
Sioux Falls, S. Dak.....	1534, 1541
Smith, Al.....	1546
Sokolsky.....	1535
Stevens, Robert T.....	1514-1518,
	1520, 1523-1525, 1529, 1531-1535, 1539, 1540, 1542, 1544, 1545
United States Air Force.....	1516, 1539
United States Army.....	1519-1523, 1532-1546
United States Department of Defense.....	1527, 1528, 1533
United States Navy.....	1539
United States President.....	1527-1531
United States Secretary of Defense.....	1529
United States Senate.....	1530, 1541, 1551
Washington, D. C.....	1533, 1534
Washington Post.....	1515
Watt, Mrs.....	1517
Wechsler, Jimmy.....	1515
World War II.....	1526
Young Communist League.....	1515







**SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

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**HEARING**  
BEFORE THE  
SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE  
EIGHTY-THIRD CONGRESS  
SECOND SESSION  
PURSUANT TO  
**S. Res. 189**

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**PART 42**

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**MAY 27, 1954**

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# CONTENTS

Appendix.....	Page
Index.....	1595
Testimony of—	1600a
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on	
Investigations.....	1554

## EXHIBITS

	Intro- duced on page	Appears on page
26. Document, March 1953, entitled "Communist Infiltration of the American Armed Forces".....	1570	1595
27. Excerpt from Washington Times-Herald, September 2, 1953..	1581	1599





SPECIAL SENATE INVESTIGATION ON CHARGES AND  
COUNTERCHARGES INVOLVING: SECRETARY OF THE  
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE  
HENSEL, AND SENATOR JOE McCARTHY, ROY M. COHN,  
AND FRANCIS P. CARR

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THURSDAY, MAY 27, 1954

UNITED STATES SENATE,  
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

The subcommittee met at 10:10 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt (chairman) presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

Once again the Chair would like to welcome our guests to the committee room and to call their attention to the standing committee rule, which is to the effect that there are to be no audible manifestations of approval or disapproval of any kind at any time during the course of these hearings, and to admonish our guests and to caution them that the uniformed officers and the plainclothes men in the audience have been instructed by the committee to remove from the room at once, politely but firmly, any of our guests who violate the conditions under which they entered the room. Those conditions were to refrain entirely from manifestations of approval or disapproval.

The Chair would like to apologize for being 5 minutes late, because his colleague and friend from Illinois suggested that I was tardy this morning. I was. I might say I was detained in a conference, working on the farm problem, and the Chair still believes that probably the maintenance of farm prosperity is even more basic than the issues which we have here today. I will try not to be late again.

Senator Symington has told the Chair that he wants to read a short statement at the beginning, that it will not provoke any additional colloquy, and the Chair would be happy to hear Senator Symington.

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Chairman, we have been considering the position in which these hearings have been left as a result of the action taken yesterday over the protests of the minority, and also statements made by the chairman and other members of the majority, with respect to Mr. Hensel and Mr. Carr.

It is absolutely unthinkable that these hearings should conclude without a thorough examination and cross-examination of Mr. Carr, who participated in and has personal knowledge of many of the critical facts.

We propose, Mr. Chairman, at the appropriate time, to again insist that Mr. Carr be called as a witness.

There are other persons whose testimony is essential if the committee is sincere in trying to get to the bottom of this matter, and the testimony of these people is essential to find the truth and also to establish whether perjury has been committed or will be committed by any witness in these hearings.

We are going to insist, Mr. Chairman, that all such other people be called, as well.

At the present time, however, we shall merely reserve our rights to demand at the proper time in the future that these people be called so that the examination of the next witness may now go forward without delay.

Senator MUNDT. The Chair is a little surprised at the content of the so-called noncontroversial statement, but believes we should expedite the hearings, and at the appropriate time we will meet the issues when they come appropriately.

Mr. Jenkins, you have a witness before you.

Senator SYMINGTON. I am sorry, Mr. Chairman. I would like to say to me it was not controversial. It was a summary of yesterday and I would like the people to know that I offered to let the chairman read the statement, which he did not want to do.

Senator MUNDT. You are correct. I didn't care to read the statement.

Mr. Jenkins, you may continue with the examination of the witness.

Mr. JENKINS. Mr. Chairman.

#### TESTIMONY OF ROY M. COHN

Mr. JENKINS. Mr. Cohn, I believe you were sworn yesterday afternoon.

Mr. COHN. Yes, sir.

Mr. JENKINS. For the benefit of the record, will you please state your full name.

Mr. COHN. Roy M. Cohn.

Mr. JENKINS. Mr. Cohn, you are quite alone there, sitting there by yourself. You understand of course that you are entitled to counsel.

Mr. COHN. Yes, sir; I understand that.

Mr. JENKINS. You are not availing yourself of that privilege?

Mr. COHN. No, sir. I have served as counsel to the regular subcommittee and I hope I can give the facts here without the advice of counsel.

Mr. JENKINS. You are representing yourself?

Mr. COHN. Yes, sir.

Mr. JENKINS. Would you mind telling your age, Mr. Cohn?

Mr. COHN. I am 27, sir.

Mr. JENKINS. What is your official position?

Mr. COHN. Chief counsel of the United States Senate Permanent Subcommittee on Investigations.

Mr. JENKINS. Is that the committee that we have been referring to here generally as the McCarthy committee for purpose of identification?

Mr. COHN. Yes.

Mr. JENKINS. When did you come with that committee, Mr. Cohn?

Mr. COHN. When Congress was reorganized, sir, in January of 1953.

Mr. JENKINS. Now approximately almost a year and a half ago.

Mr. COHN. Yes.

Mr. JENKINS. In what line of endeavor were you engaged prior to coming to the McCarthy committee?

Mr. COHN. I had been with the Department of Justice, Mr. Jenkins, directly prior to coming. I was a special assistant to the Attorney General of the United States.

Mr. JENKINS. Where were you stationed or located?

Mr. COHN. In Washington.

Mr. JENKINS. Mr. Cohn, I am going to ask you at this time to relate to the members of this committee your experiences, and particularly your experiences that qualified or fitted you for the line of endeavor in which you have been engaged since coming to the McCarthy committee? Tell something of your background. You may use your own judgment about what you want to cover, what area you want to cover, but I am asking you now particularly about your experience, your background, your qualifications for the line of work in which you have been engaged since being with the McCarthy committee.

Mr. COHN. Do you mean, sir, the cases which I participated in in the Department of Justice?

Mr. JENKINS. First of all, of what college or colleges are you a graduate?

Mr. COHN. Columbia University College and Law School, sir.

Mr. JENKINS. And law school?

Mr. COHN. Yes, sir.

Mr. JENKINS. Now, then, in what line of work, particularly, were you engaged before you were engaged with Senator McCarthy?

Mr. COHN. Before I came with the Senator?

Mr. JENKINS. Right.

Mr. COHN. I was with the Department of Justice and I had been working on cases involving the prosecution of Communists, spys, and subversives for some time.

Mr. JENKINS. How long were you with the Department of Justice?

Mr. COHN. I was with the Department of Justice for some 5 or 6 years.

Mr. JENKINS. For some 5 or 6 years?

Mr. COHN. Yes, sir.

Mr. JENKINS. And you say as an Assistant Attorney General?

Mr. COHN. Well, first, sir, I started off after I left law school as a law clerk in the office of the United States district attorney in New



York. When I was admitted to the bar, I became an assistant United States attorney. I then became confidential assistant to the United States attorney and finally was appointed special assistant to the Attorney General of the United States by Attorney General McGranery.

Mr. JENKINS. Mr. Cohn, in what particular line of work were you engaged as assistant United States attorney?

Mr. COHN. Well, at the beginning, sir, I prosecuted cases involving counterfeiters and dope peddlers and the usual run of business in that office. There came a time, about 1949, when I began to work pretty much exclusively on the prosecution of cases involving communism, subversion, and espionage.

Mr. JENKINS. And did or not you engage in that particular line of work for some 4 or 5 years, or perhaps 6 years, before coming with the McCarthy committee?

Mr. COHN. I would say about 3 or 4 years, sir.

Mr. JENKINS. Where was that, now? In Washington or New York?

Mr. COHN. In both places, Mr. Jenkins, first New York and then Washington.

Mr. JENKINS. Was not your experience along that line extensive or otherwise?

Mr. COHN. Well, I don't know, sir.

Mr. JENKINS. We just want to know the facts. If you appear to be immodest, that is quite all right. The committee wants to know the facts about your experience and your qualifications, particularly with respect to Communists, subversives, poor security risks, et cetera.

Mr. COHN. Very well, sir. Well, if I may, Mr. Jenkins, if I think I know what you want, suppose I list the cases in which I participated in some way, and let the committee—

Mr. JENKINS. Not at any great length, but generally. Go right ahead and list those cases in which you participated.

Senator McCARTHY. Mr. Chairman, before the witness starts, I wonder if the young men with their flash bulbs will move to one side so they won't be between the witness and the questioner? I would like to see what is going on.

Mr. COHN. The list of the cases, Mr. Jenkins? The first one was—by the way, sir, before I list these cases, I would like to say this, in working on the prosecution of these cases, I was part of a team. I never prosecuted any one case alone. There were always a group of fine people with me who worked long and hard on each of them. And as far as we were all concerned, what we did was to present to grand juries, to courts and to juries, evidence and facts accumulated over a long period of time by the Federal Bureau of Investigation.

We merely presented to the courts what the FBI had dug up over years of intensive investigation of Communists and espionage activities in this country.

The first of those cases, sir, which I had anything to do with, was the prosecution of the first-string leaders of the Communist Party before Judge Medina, up in New York. I did law work on that case.

Mr. JENKINS. What case was that, Mr. Cohn?

Mr. COHN. That was the prosecution, sir, of what have come to be known as the first-string leaders of the Communist Party of the United States. It was actually the members of the national committee of the Communist Party of the United States, which is the governing



body of the Communist conspiracy in this Nation. They were indicted under the Smith Act for conspiracy to teach and advocate violent overthrow of our Government, and were prosecuted before Judge Medina in New York.

Mr. JENKINS. To identify that case, how many defendants were there, do you recall?

Mr. COHN. It started off with 12, sir, and the case was severed as to William Z. Foster, the national chairman, on grounds of illness, and 11, I believe, were finally convicted.

Mr. JENKINS. Were there other cases of consequence, Mr. Cohn, in which you actively participated as prosecutor or assistant prosecutor?

Mr. COHN. Yes, sir. After the trial of the first-string Communist leaders, I began to work with Elizabeth Bentley, who had been courier for a Communist spy ring and had gone to the FBI and furnished information as to the identity of various Communists who had infiltrated the United States Government and conducted espionage activities, and I worked with Harry Gold, who had just at that time told the story of his participation in a Soviet spy ring in this country which had obtained atom bomb and other secrets and transmitted them to the Soviet Union.

As a result of working with Miss Bentley and Mr. Gold, there resulted the prosecution of the next case, I believe it was the prosecution of Abraham Brothman and Miriam Moskowitz, on charges of conspiracy to obstruct justice, in that they had covered up the Gold-Rosenberg spy ring during the grand jury investigation in 1948 and had delayed the uncovering of that spy ring for a number of years. They were prosecuted for conspiracy to obstruct justice. I participated in that. They were convicted.

After that, sir, I went into the prosecution of William W. Remington on charges of perjury involving his denial, I believe before the subcommittee of this very committee, involving the denial of membership in the Communist Party. Mr. Remington had been a Commerce Department official, and he had been one of Miss Bentley's Communist espionage contacts while he, Remington, was in the United States Government.

He testified first before a congressional committee and denied this, and was later before a grand jury, and then prosecuted for perjury, and I was in that case.

Mr. JENKINS. What was the result of that prosecution?

Mr. COHN. The result of the prosecution, sir, was that he was convicted by the jury. The conviction was reversed on a question of law by the United States Court of Appeals. We represented the evidence to another grand jury; he was reindicted, reconvicted, and his conviction has but recently been affirmed by the United States Court of Appeals, and he is serving a jail sentence.

Mr. JENKINS. Are there other notable cases, Mr. Cohn, in which you participated as prosecutor?

Mr. COHN. Sir, after the Remington case, about 3 weeks thereafter, I participated in the preparation for trial and in the prosecution of the Rosenberg case.

Mr. JENKINS. Is that the Julius and Ethel Rosenberg case?

Mr. COHN. Yes, sir. That was the case in which Julius and Ethel Rosenberg and Morton Sobell were defendants on a charge of con-

spiracy to commit espionage in that they, along with Harry Gold, Alfred Slack—

Mr. JENKINS. It is not necessary to mention the Alfred Slack case here, Mr. Cohn. I would rather forget that, as far as I am concerned.

Anyway, did you help investigate and prosecute Julius and Ethel Rosenberg?

Mr. COHN. Yes, sir. That case was prosecuted, and they were convicted of charges of conspiracy to commit espionage in giving atom secrets and other secrets to a Communist spy ring.

After that, sir I believe the next thing was, I presented to the Federal grand jury in New York the evidence which resulted in the indictment of the second-string leaders—

Mr. JENKINS. Pardon the interruption, but one of the Senators whispers to me and suggests that I ask you the outcome of the Julius and Ethel Rosenberg case; and, for the benefit of those, especially in the TV audience, who don't know, will you please state what the final result was?

Mr. COHN. Very final, sir. Mr. and Mrs. Rosenberg—

Mr. JENKINS. You say it was very final?

Mr. COHN. Yes, sir.

Mr. JENKINS. Permanent?

Mr. COHN. In the case of Mr. and Mrs. Rosenberg, sir, they were executed following affirmance of their conviction by the court of appeals and denial of certiorari by the Supreme Court. They were executed as atom spies.

Mr. Sobell is serving a 30-year sentence in Alcatraz for his participation.

Mr. JENKINS. You were telling about another case of consequence in which you were actively engaged as prosecutor.

Mr. COHN. I believe right after the Rosenberg case, sir, I presented to the Federal grand jury in New York evidence which resulted in the indictment of the second-string leaders of the Communist Party in the United States.

In other words, after the first-string leaders were convicted, they were replaced on the national committee of the Communist Party by a new group of Communists who directed the conspiracy in this country. As soon as the Supreme Court affirmed the conviction of the first-string group, we obtained the indictment of the second-string leaders who had taken over the active direction of the Communist Party of the United States. They were indicted, and I might say, sir, that that indictment resulted in some further cases in that 4 of the second-string leaders who were indicted failed to surrender on the charges of conspiracy to teach and advocate overthrow of our Government, and 4 of the first-string leaders who had been convicted before Judge Medina jumped bail and became fugitives, which made it necessary for us to prosecute for contempt of court the people who had put up the bail for these fugitive Communists.

That prosecution for contempt of court, Mr. Jenkins, was the next case. That was a prosecution of Frederick Vanderbilt Field, Dashiell Hammett, Abner Green, who were the trustees of the bail fund of the Civil Rights Congress who had put up the bail for these fugitive Communists.

They were prosecuted for contempt of court. They were convicted and given jail sentences. I remember that in the summer, sir, I argued

the Field appeal before the United States court of appeals up in Connecticut. And that is the chain of events.

Mr. JENKINS. In addition, Mr. Cohn, to the cases you have mentioned, have or not you prosecuted other cases without mentioning them specifically?

Mr. COHN. Yes, sir. I think that there were from that point on very briefly there just 2 or 3 more.

Mr. JENKINS. Would you like to mention those to the committee, Mr. Cohn?

Mr. COHN. Whatever you say, sir.

Mr. JENKINS. In other words, you are not a defendant lawyer, I take it. You are a prosecutor; is that right?

Mr. COHN. I have been up until this proceeding, sir.

Mr. JENKINS. Up until this proceeding.

Mr. COHN. Yes, sir.

Mr. JENKINS. Like myself, you are playing a sort of dual role?

Mr. COHN. Well, it seems pretty one-sided so far.

Mr. JENKINS. As a result of your experience, Mr. Cohn, in investigating these various cases you have mentioned and others, and of presenting those cases to the grand jury and appearing in court in the role of prosecuting attorney, did you or not become what we might call an expert on communism or a subversive, poor risk? Do you think so, or not? Just give me your own opinion about it.

Mr. COHN. Well, sir, I would say I was not an expert. I would say in the course of these various trials I had to read an awful lot of Marxist-Leninist literature and I had to learn the ins and outs of the Communist conspiracy and the espionage movement in this country.

Mr. JENKINS. Have you made a considerable study of communism, Mr. Cohn?

Mr. COHN. I have, sir.

Mr. JENKINS. And particularly as it relates to the infiltration of Communists in the United States and into the various governmental branches and agencies?

Mr. COHN. Yes, sir.

Mr. JENKINS. Could you give us a short definition of what a Communist is?

Mr. COHN. A Communist, sir, is one who is under the discipline of the movement which stands for the overthrow by force and violence of the Government of the United States and of every other free government throughout the world, and the movement which works by criminal, illegal, means, by espionage and sabotage and every other foul way known to man, to bring about the day when the world will be under the control of the international Communist movement, and when free governments will no longer exist.

Mr. JENKINS. I take it you are not on the friendliest of terms, then, with the Communist Party; is that right, Mr. Cohn?

Mr. COHN. I am not, sir.

Mr. JENKINS. You have not been nominated as the editor of the Daily Worker?

Mr. COHN. No, sir. I have been referred to in the Daily Worker very considerably, but I have not been nominated by them for any favorable offers.

Mr. JENKINS. Can you give us a short definition of espionage?



Mr. COHN. I would say espionage, sir, is defined by law in title 18 of the United States Code and involves generally the possession of or transmission of information vital to the national defense of the United States to a foreign power with intent that it be used against the interests of the United States. That is a very rough definition. Of course, the sections of law speak for themselves.

Mr. JENKINS. What is a subversive?

Mr. COHN. A subversive, sir, I would say, is a person who is dedicated to interests unfavorable to the continuation of the free government under which we live in this country.

Mr. JENKINS. Mr. Cohn, what were the circumstances under which you came to the McCarthy committee in January 1953?

Mr. COHN. Well, sir, I had never met—I did not know, I might have met Senator McCarthy once at a dinner, casually. I did not know him.

Mr. JENKINS. I take it perhaps you had heard of him?

Mr. COHN. I had heard of him, sir, and I might say that we all felt that our work in prosecuting Communists was considerably aided by what Senator McCarthy was doing in alerting the Nation and the world to the menace of Communist infiltration in this country. I had very definitely heard of Senator McCarthy and I admired very much what he was doing. I had never had the good fortune of talking with him.

Mr. JENKINS. My question is, What were the circumstances under which you came to the McCarthy committee in January 1953?

Mr. COHN. Well, sir, Senator McCarthy contacted me and asked me to come to Washington—

Mr. JENKINS. He had heard of you?

Mr. COHN. He had heard of me, sir; yes.

Mr. JENKINS. Very well.

Mr. COHN. He asked me to come to Washington and talk with him. When I came down, he asked me if I would come and serve as chief counsel for this subcommittee if he recommended my name, and if my name were approved by the members of the subcommittee. I, of course, was deeply honored by that offer. It was more than I had hoped for, and I told the Senator that as much as I wanted to, I thought it might not be possible because I was a Democrat and he was a Republican.

Mr. JENKINS. You are a Democrat, Mr. Cohn?

Mr. COHN. Yes, sir.

Mr. JENKINS. I certainly won't hold that against you, Mr. Cohn. Go right ahead with your testimony.

Mr. COHN. Well, I don't consider it a slur of any kind, sir. I am proud of it, and I belong, I hope, to the wing of the party which is as firmly—which is firmly dedicated to opposition to the Communist movement in this country as I know is the Republican Party. I don't think, sir, that it is a party issue anywhere. I know there are a lot of Democrats who join with the able Republicans in fighting this.

Mr. JENKINS. In short, you believe in the two great party system in this country?

Mr. COHN. Yes, sir.

Mr. JENKINS. And your political affiliations are certainly immaterial, I am sure, so far as every member of the committee is concerned?

Mr. COHN. Senator McCarthy told me it was completely immaterial. When I talked to him, he told me he did not care what my



politics were. He wanted to know if I thought I could serve this committee and particularly whether I could contribute anything on these Communist investigations.

Mr. JENKINS. Do you know how long Senator McCarthy had then been chairman of the committee when you talked to him in January?

Mr. COHN. When I talked to him, I don't believe he was actually chairman. I believe the Republicans had won the election and were about to take over the Senate. Under the rules of the Senate, he was destined to become chairman and he was making plans to set up the committee staff.

Mr. JENKINS. His staff had not been organized?

Mr. COHN. No, sir.

Mr. JENKINS. Do you know whether or not you were the first member added to his staff?

Mr. COHN. I don't know that, sir. There were 2 or 3 who came in pretty much at the beginning. I don't know if I was the first.

Mr. JENKINS. Be that as it may, you were engaged on the occasion of your first conference with him; is that—

Mr. COHN. No, sir, the first conference, there the Senator asked me if I was interested. I told him I certainly was. He told me he would recommend my name to the committee. He did that. I was approved by the committee and I began my duties, I suppose, a few—a couple of days after the committee was organized in January.

Mr. JENKINS. And you have served as a chief counsel to the McCarthy committee since that time, and up to the present time?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, what are the duties of chief counsel to the McCarthy committee?

Mr. COHN. Well, they are many and varied, sir. One duty is the questioning of witnesses at executive sessions and public hearings. The duties include working with the staff to develop material on the infiltration of Communists into the United States Government, into defense plants; material concerning corruption in office, and the assembly of those facts, in preparation for public hearings, in preparation for executive sessions; examining witnesses, consulting with the chairman and members of the committee, and generally working along with the committee.

Mr. JENKINS. Can you give us, without divulging secrets that should not be given to the public, the area in which you investigate for the purpose of ascertaining whether or not there are spies, Communists, subversives, in the country, or in the Army or in any governmental agency?

Mr. COHN. Do you mean the sources from which—

Mr. JENKINS. The sources.

Mr. COHN. Generally speaking?

Mr. JENKINS. Yes.

Mr. COHN. Surely, sir. First of all, we get a good deal of information from people outside of Government, people who have been in the Communist movement and who are in the best position to know what the Communists are up to. We get information from certain people in Government who point out instances where Communists are being covered up and where no action is being taken against Communist despite FBI warnings. We get information, sir, by going over old files, old records, documentations of people who have signed

Communist petitions and who might later turn up in Government, from communications received by us from many patriotic organizations, from Americans all around the country who gain this information and who see fit to furnish it to this committee, to the investigating committee of the United States Senate. Those are just a few of the sources.

Mr. JENKINS. Mr. Cohn, when did the McCarthy committee begin to investigate the existence or presence of spies or subversives in any governmental agency?

Mr. COHN. I would say we began that right after the committee was organized, sir.

Mr. JENKINS. As a result of information that you had, is that what you are saying?

Mr. COHN. Yes, sir.

Mr. JENKINS. What was the first agency of the Government investigated by the McCarthy committee?

Mr. COHN. The United—the first agency, I believe, sir—well, I think there were two, actually. We held hearings on the filing system in the United States State Department, which showed that—well, I guess there was general confusion in the manner of keeping files which had operated to the benefit of certain people in the State Department with subversive records. It showed the operation of various boards in the State Department, some of which had deleted unfavorable material on State Department people with subversive records of Communist affiliation from the files, and things of that kind.

We conducted that investigation, and after that, the State Department changed its filing system. We then held public hearings on Communist infiltration and general inefficiency in the operation of the information program which included among other branches, the Voice of America.

Mr. JENKINS. Did or not you investigate the Government Printing Office.

Mr. COHN. That came a bit later, sir. I might say, while we were holding public hearings on the Voice of America, and on the State Department filing system, at the same time we were planning out what was to come next, we were gathering information and laying the groundwork for future investigations of the subcommittee. One of those was, indeed, the Government Printing Office.

Mr. JENKINS. When was the investigation of the Government Printing Office conducted?

Mr. COHN. Well, we began—

Mr. JENKINS. Was it prior to the time that you started investigating the Army, Mr. Cohn?

Mr. COHN. I would say the preliminary investigation was going on at the same time as the preliminary investigation of the Army. The public hearings were held just prior to the beginning of hearings, formal hearings, on Communist infiltration in the Army.

Mr. JENKINS. As we understand it, before a public hearing is had, or even an executive hearing is had, you have conducted some preliminary investigation, groundwork or spadework, is that correct?

Mr. COHN. Sir, there is an awful lot of staff work that goes into these things. When we have an executive session or public hearing, it means that before that, hours, days and weeks have been spent by the staff in gathering information, interviewing witnesses, and de-

termining the facts for presentation to the committee at executive session or public hearing.

Mr. JENKINS. Do you recall about how many witnesses the McCarthy committee has interviewed since its formation, or since the inception of its work began?

Mr. COHN. If you include staff interviews, sir, I would say safely well over a thousand.

Mr. JENKINS. Well over a thousand?

Mr. COHN. Yes, sir.

Mr. JENKINS. As a result of your investigation of the Government Printing Office, I will ask you whether or not any suspensions or dismissals resulted.

Mr. COHN. Yes, sir. When we began our hearings in the Government Printing Office, I might tell you about that for a minute, sir, it was during the summer, the early summer I believe when we began hearings. I remember very well that Senator Dirksen interrupted a trip and came back, and Senator McCarthy was there. We started the hearings and it developed very rapidly that there was working in the Government Printing Office, in a room through which passed the secrets, not only of the Army and Navy, but of just about every sensitive Government agency in existence, that there was working in this composition room at the Government Printing Office a man who had been not only a Communist, but who had taken papers and secrets from the Government Printing Office at night, taken them home with him, without authority. Those facts were developed by Senator Dirksen in executive session. Public hearings were held and this man, Edward Rothchild, his name was, sir, claimed the fifth amendment, before the subcommittee while currently working for the Government Printing Office.

He claimed the fifth amendment as to whether he was currently in 1953, engaged in espionage against the United States in the Government Printing Office, on the ground that if he answered questions, his answers might tend to incriminate him. There were suspensions—

Mr. JENKINS. Mr. Cohn, let's don't go into specific cases.

As a result of the investigation—before that—strike that question.

It was not part of the duty of the Army to investigate the Government Printing Office, was it?

Mr. COHN. None at all, sir.

Mr. JENKINS. That is an entirely distinct and separate agency.

Mr. COHN. Yes, sir. The only part the Army would have in it is this: The Government Printing Office did a considerable amount of secret work or classified work for the Army. I know that a couple of other agencies which sent their work over to the Government Printing Office became very much concerned as our investigation got under way and the fifth amendment claims were made. I don't recall that we heard anything further.

Mr. JENKINS. Were there suspensions in the Government Printing Office?

Mr. COHN. There were.

Mr. JENKINS. Do you recall the number?

Mr. COHN. I think that I would want to check this. I think there were 13 or 15, and there were a lot more than suspensions.

Mr. JENKINS. While on that subject, I want to ask you this question, Mr. Cohn: During the period of your investigation of the Government



Printing Office, state whether or not Senator McCarthy or you caused to be subpoenaed and require to appear in executive session, members of the Loyalty Board?

Mr. COHN. They appeared not only in executive session but they appeared and testified fully in both executive and public sessions.

Mr. JENKINS. Was any question raised at that time about your authority to have the members of the Loyalty Board subpoenaed?

Mr. COHN. None at all.

Mr. JENKINS. Was there any Presidential or other directive prohibiting such a thing, Mr. Cohn?

Mr. COHN. No assertion of any Presidential directive or anything else was made. They all came. They all testified, and the head of the Government Printing Office gave us not only lipservice but full and complete cooperation.

Mr. JENKINS. Mr. Cohn, in order to channel our course of investigation, let's review here for a moment the charges, the charges being now, as I apprehend them to be, first: That the Army or Mr. Stevens and Mr. Adams sought to discredit the work or the importance of the work of the McCarthy investigating committee. Right or not?

Mr. COHN. Sir—

Mr. JENKINS. No. 1.

Mr. COHN. You start off by saying "the Army," and I wonder—

Mr. JENKINS. I said "and/or Mr. Stevens or Mr. Adams." We are not going to get into a hassle over that.

Mr. COHN. Let me say what I will not say again during these hearings: This committee never investigated the United States Army as such. I know that this committee, its chairman, its members, and myself, have as deep a respect for the United States Army as they have for the Government of which it is a part. We have no respect for the Communists who have infiltrated, the small group of Communists who have infiltrated that great Army or for the people in that great Army who have covered up this Communist infiltration. That is what we investigated; not the Army.

Mr. JENKINS. Very well. That is the No. 1 charge in the specifications of Mr. Stevens and Mr. Adams; is that correct? The No. 1 charge of the McCarthy committee?

Mr. COHN. Sir, on that, we did not make charges. We gave an answer. We told what the facts were as we saw them. We did not make charges. We initiated nothing. We were going about our business.

Mr. JENKINS. Mr. Cohn, we are getting along wonderfully now. If you will just give me direct answers, I think it would be the greatest expediter that was ever brought about in this hearing.

Mr. COHN. All right, sir.

Mr. JENKINS. You have been doing it so far, and I compliment you for doing it.

Mr. COHN. Thank you, sir.

Mr. JENKINS. The No. 1 charge or No. 1 allegation or statement—we are not going to differentiate between those words—in your document prepared by request as counsel for this committee, is that Mr. Stevens and Mr. Adams sought to discredit the work or the importance of the work of the McCarthy committee. Is that right or not, substantially?



Mr. COHN. Substantially, yes, sir, with qualifications.

Mr. JENKINS. No. 2—you might state what the qualifications are, if there are qualifications.

Mr. COHN. What I am trying to do is this, Mr. Jenkins: I would like to give specific facts, specific statements, and try to avoid characterizing generally what people sounded like or what their emotions were, and things of that kind.

Mr. JENKINS. No. 2: It is alleged or stated in the document prepared by you and Senator McCarthy, that Mr. Stevens and Mr. Adams sought to prevent or bring about a discontinuance of your investigation of spies, subversives, and poor security risks in the Army. Is that correct?

Mr. COHN. They did.

Mr. JENKINS. And particularly at Fort Monmouth. Is that right?

Mr. COHN. They did. That is true.

Mr. JENKINS. And, thirdly and lastly, that there was an attempt on the part of Mr. Stevens and Mr. Adams—perhaps you state in your document a successful attempt—to prevent Senator McCarthy and his staff from investigating members of the Loyalty Board; is that right?

Mr. COHN. That is true.

Mr. JENKINS. Do those three statements or charges—and I will probably refer to them as charges—embrace, in the main, the allegations of Senator McCarthy and Mr. Cohn against Mr. Stevens and Mr. Adams?

Mr. COHN. They are certainly an essential part of the picture.

Mr. JENKINS. Very well.

Mr. Cohn, as I say, for the purpose of expediting these hearings we want to channel our discussion within the area and bounds of those three allegations.

When did the McCarthy committee begin investigating the infiltration of subversives, spies, or poor risks in the United States Army?

Mr. COHN. Very shortly after the committee was organized, I would say, sir, February of 1953.

Mr. JENKINS. What was the nature of that work, without giving away any secrets?

Mr. COHN. No, sir, not at all.

Mr. JENKINS. Very well.

Mr. COHN. I want to give you all the information.

The thing came about in this way, Mr. Jenkins: We received information—various members of the staff received information that the Communist Party in this country, as in other countries, was trying to and had succeeded to some extent in infiltrating the United States Army and various of its installations. That was a historically known fact that they were trying to do that, sir, and I don't think there can be any doubt about it.

On that point, there is just one paragraph I wanted to read to you which I think makes this picture quite clear.

Mr. JENKINS. You may do so.

Mr. COHN. That paragraph, Mr. Jenkins, comes from The 21 Conditions of Admission into the Communist International, which is this worldwide Communist conspiracy seeking the destruction of this Nation and every other nation, and that paragraph concerns the Com-

munist plan to infiltrate armies in free countries of the world, and it reads:

The obligation to spread Communist ideas includes the necessity of persistent, systematic propaganda in the army. Wherever such propaganda is forbidden by exceptional laws, it must be carried on illegally. The abandonment of such work would be equivalent to the betrayal of revolutionary duty and is incompatible with membership in the Third International.

That and the resolutions of the Sixth World Congress, one sentence of which reads:

Revolutionary work in the army must be organized and openly advocated—

I think make it very clear, sir, that as a historical matter down through the years up to and including the present date, one of the principal aims of the Communist conspiracy has been the infiltration of our military.

Mr. JENKINS. You say, Mr. Cohn, that you started the ground or spadework in the early part of 1953?

Mr. COHN. February of 1953 is the best I can place it.

Mr. JENKINS. Did you actively participate in that?

Mr. COHN. Yes, sir.

Mr. JENKINS. Other members of your staff?

Mr. COHN. Yes.

Mr. JENKINS. That is, Senator McCarthy's staff?

Mr. COHN. Yes.

Mr. JENKINS. When did you first start hearings on infiltration of subversives in the Army?

Mr. COHN. Well, before we had hearings, sir, we conducted what is known as a preliminary investigation and assembled the general areas of information on Communist infil—

Mr. JENKINS. Did that include the interview of witnesses?

Mr. COHN. Yes, sir, we interviewed witnesses, we reviewed various documents and information, and we came to, I would say, 3 or 4 conclusions.

Mr. JENKINS. Mr. Cohn, did you know about a new and different setup in the form of a Presidential directive of April 27, 1953, under the new administration?

Mr. COHN. I did.

Mr. JENKINS. I will ask you what effect that had with respect to your investigation insofar as it related to a broadening of the area of your investigation, or a relaxation of previous rules pertaining to your investigation.

Mr. COHN. Sir, I believe you refer to the directive of the present administration issued by President Eisenhower, which provided for a change—

Mr. JENKINS. I am not talking about the one of May 17.

Mr. COHN. No, sir.

Mr. JENKINS. I am talking about the one of April 27.

Mr. COHN. Of last year; yes, sir.

Mr. JENKINS. Yes, sir.

Mr. COHN. The directive, sir, which provided for some relaxation and for review of loyalty-board procedures and review of cases involving possible security risks and Communists. That directive came out.

Mr. JENKINS. And as a result of that, you say that you had, shall we say, a freer hand with respect to conducting your investigation?

Mr. COHN. To some extent; yes, we did.

Mr. JENKINS. Now, you were telling about the work you were doing prior to your hearings when I interrupted you. You may proceed along that line of direct testimony, if you will, Mr. Cohn.

Mr. COHN. All right, sir. Well, to save time, I think what I would like to do, if it is agreeable to you, Mr. Jenkins, is to summarize the areas of information which reached the subcommittee in the course of its preliminary investigation.

Mr. JENKINS. You may now do so.

Mr. COHN. Pretty soon after February, in fact, I think, around the beginning of March, the staff obtained from people who had formerly been in the Communist movement, specific details about what the Communist conspiracy had done to infiltrate the United States Army, and to place Communists in key places, sensitive places, in the Army in the country. There was submitted to this committee a somewhat detailed memorandum, which I have here, sir, and will not read from, containing information about the number of Communists in the military, containing information about various things the Communists had done to get their members in the military, in radar laboratories, and explaining why it was essential for the Communists for purposes of espionage, sabotage, for the purpose of recruiting other people in the military into the party to bring about this infiltration.

Mr. JENKINS. Mr. Cohn, pardon the interruption. Would you care to file the document to which you have just referred as an exhibit to your testimony?

Mr. COHN. I would be very glad to do that, if I could do that—

Mr. JENKINS. If it will not betray any secrets.

Mr. COHN. Sir, I would like to go over that with Senator McCarthy during the noon hour. My opinion is that we will be glad to file it with the subcommittee.

Mr. JENKINS. Very well. You may continue with your direct testimony.

Mr. COHN. Yes, sir. After receiving this memorandum on March—it is entitled, "Communist Infiltration of the American Armed Forces"—after that was submitted to us in March, the staff interviewed a number of witnesses, went over a lot of documents, and came—I am sorry, sir.

Mr. JENKINS. Pardon the interruption. Go right ahead, Mr. Cohn. I didn't get your last statement, I am sorry.

Mr. COHN. I don't know what it was, sir, I think that I said after this memorandum was submitted to the committee, this memorandum clarified and restated the fact—

Mr. JENKINS. That is the memorandum to which you have just referred?

Mr. COHN. Yes, Communist infiltration of the Armed Forces.

Mr. JENKINS. Senator McClellan is interested in knowing a little more about it. By whom was that memorandum prepared?

Mr. COHN. Sir, I would like to ask this, if I may—

Mr. JENKINS. I am not asking you to file it at this time. You say you would like to consult with Senator McCarthy before you do so.

Mr. COHN. On the question of by whom it was prepared and on the question of filing it, if I could talk to Senator McCarthy during the noon hour, I think I will be able to—



Senator McCLELLAN. Point of order, Mr. Chairman. I want to know if it is a committee document.

Mr. COHN. Pardon me?

Senator McCLELLAN. Is it a committee document?

Mr. COHN. Well, Senator—

Senator McCLELLAN. I am asking you, not Senator McCarthy. You ought to know.

Mr. COHN. The document was submitted to the staff, sir, and I submitted it to the chairman of the committee.

Senator McCLELLAN. If it is a committee document, I think the committee could be consulted a little too; don't you?

Mr. COHN. Well, sir, of course.

Senator McCLELLAN. All right, then. Let us all be consulted.

Mr. COHN. I am sorry, sir, I would be very happy if you want me, Mr. Jenkins, to meet with the full committee or anybody else Senator McClellan suggests, and go over this question. I am sure we will make the document available.

Senator JACKSON. If it is a committee document, might we not look at it? We have never seen it before.

Mr. JENKINS. Senator Jackson, the first I have heard of it was a few minutes ago. I have not seen it. I don't know the contents.

Senator McCLELLAN. Find out if it has ever been made available to the committee.

Senator McCARTHY. Mr. Chairman, could we have a 2-minute recess? I would like to discuss the matter with Mr. Cohn.

Senator MUNDT. Without objection we will have a 2-minute recess to determine the origin of the document and identity of it.

Mr. COHN. It has been available.

(Brief recess.)

Senator MUNDT. The committee will come to order. The recess is over.

Mr. Jenkins, you will continue.

Mr. JENKINS. Mr. Cohn, during the recess, did you and Senator McCarthy and other members of the staff confer with respect to the document to which you had referred?

Mr. COHN. We did, sir, and I want to apologize to you and the Chair and Senator McClellan for delay. We were trying to reach on the telephone the gentleman who prepared this at the request of the committee back last March to get his permission. We have his permission. We will be very happy to submit that document to the committee, to tell you who wrote it, and to tell you what the circumstances were. I might say this, Mr. Jenkins, in conclusion on this point: This, of course, is but one of a large number of informational sources and documents which we obtained. As far as this particular one is concerned, that is available.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. I do not know what the counsel intends to ask, but I want to know now if that is a committee document.

Mr. COHN. I am sure it is, Senator.

Senator McCLELLAN. You are sure it is?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Have members of this committee ever seen it?

Mr. COHN. It has been available to them, sir. I don't know whether they have gone down to look at it.



Senator McCLELLAN. Where has it been available?

Mr. COHN. In the regular files of the subcommittee down in room 101 of the subcommittee offices, sir. It has been there since March.

Senator McCLELLAN. Since March?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Has any member of this committee ever been apprised of it except Senator McCarthy?

Mr. COHN. I don't think there was any specific appraisal of this particular memorandum, sir. I know that during the months during which the investigation got under way—

Senator McCLELLAN. If it is a committee document, why is not the committee consulted instead of just Senator McCarthy?

Mr. COHN. For this reason, sir, if I may: We receive, and we have literally, I believe, hundreds and possibly over a thousand files. We have all sorts of documents and memoranda. I don't think it has ever been the practice to bring all of them up to each member of the committee.

Senator McCLELLAN. That is right. It has not been. And we know nothing about it. And you know we know nothing about it; do you not?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. Yes. Mr. Chairman, the Senator from Arkansas knows that he and his two colleagues absented themselves from the committee. May I finish?

Since they have returned, the work of the committee has been completely held up. Mr. McClellan knows, if he wants to go down to the room in which the files are, that he can see any file he wants to see. He knows that my staff cannot spend its time running up to the offices of Senators and giving them information each day about the vast amount of information that they have. We have, and I am sure the Chair will agree to this, we have agreed to let the minority have a counsel who can go through those files at will, and give any information to the minority members.

Senator MUNDT. Mr. Jenkins?

Senator McCLELLAN. May I say this—

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. You say you can't send them to members of the committee. You have a staff down there that has nothing else to do except make copies and provide them to members of the committee; don't you?

Mr. COHN. No, sir.

Senator McCLELLAN. You do have a staff down there?

Mr. COHN. Yes; but they have a lot more to do than make copies of memoranda, sir.

Senator McCLELLAN. They have a lot more to do besides that; don't they?

Mr. COHN. Yes, sir, they do. They investigate.

Senator McCLELLAN. It is a committee document?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You didn't want to consult the members of this committee about putting it in evidence, but only Senator McCarthy; isn't that true?

Mr. COHN. Sir, Senator McCarthy is the chairman of the committee.

Senator McCLELLAN. I understand,; but there are some others who have responsibility on this committee.

Mr. COHN. I am sure of that, sir.

Senator McCLELLAN. And you didn't want to consult us about it, and you didn't.

Mr. COHN. Sir, I would be perfectly happy to consult you about it.

Mr. JENKINS. Mr. Cohn, before introducing that document in evidence and filing it, tell us precisely what it is and what it embraces?

Mr. COHN. Sir, all it is is one of a number of informational sources. It embraces various facts about attempts on the part of the Communist Party to infiltrate the United States Army. It contains an estimate made by the author of this document, who was a Communist himself for a long period of time, specifically concerned with Communist plans to infiltrate the United States Army.

It contains estimates by him of the number of Communists still in the United States Army at some of its installations and other informational and historical data about Communist plans to infiltrate the United States Military Establishment. It is nothing of earth-shaking significance at all.

Mr. JENKINS. Did I understand you to say that you had no objection to revealing the name of the person who prepared that document?

Mr. COHN. I have no objection. I talked to that person.

Mr. JENKINS. Who did prepare the document?

Mr. COHN. This document was prepared at the request of the staff by Mr. Paul Crouch, who is currently a consultant for the Immigration and Naturalization Service of the United States Government, who has worked for the Government both under the last administration and is working for it under this administration, has been a witness before grand juries and the trial.

I might say he was a witness at the Remington trial, in which I played a part. He is currently an employee of the United States Government.

Mr. JENKINS. Was this document that you are about to file, together with other documents——

Mr. COHN. Yes, sir.

Mr. JENKINS. Used as a basis upon which you conducted an investigation of subversives, Communists in the Army?

Mr. COHN. This is one of many things, Mr. Jenkins.

Mr. JENKINS. That is what I say. This, along with others, was used as a basis for your investigation?

Mr. COHN. Yes, sir, this is one of the things.

I might say the particular purpose of it here, sir, is to establish the date, a date on which we were looking into Communist infiltration.

Mr. JENKINS. What date does it establish, Mr. Cohn?

Mr. COHN. March of 1953.

Mr. JENKINS. March 1953?

Mr. COHN. Yes, sir.

Mr. JENKINS. Will you now file it as an exhibit to your testimony?

Mr. COHN. I would be very glad to.

Senator MUNDT. It will be marked with the appropriate exhibit number.

(The document referred to was marked "Exhibit No. 26" and will found in the appendix on p. 1595.)

Senator McCLELLAN. May we not be permitted to see it even now?

Mr. COHN. Senator McClellan, of course I am filing it, and I assume it is available to every member of the committee.

Senator McCLELLAN. We have no opportunity to know in advance unless we have the opportunity to see it. It may be perfectly all right. I am not trying to keep the document out, but I am trying to get the proper consideration for those of us here on the minority side of this committee who are not apprised of the proceedings and events and what is going on. We have to sit here and meet with surprise after surprise.

Senator MUNDT. The Chair suggests that it be received, and that if any of the minority members object to its being filed, it will not be filed.

Mr. COHN. Sir, Senator McClellan, I will submit anything you want me to.

Senator McCLELLAN. I want you to submit that one. Let's see it now.

Mr. COHN. Very well, sir.

Senator McCARTHY. Senator McClellan, may I have your attention?

Senator McCLELLAN. Yes.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I would like to say if there is any laxity, any criticism because we have not made copies of each piece of information we have and given copies to all members of the committee, that fault is mine. I have a very limited staff, as the Chair knows, and they have been ordered to spend their time investigating communism, corruption, graft, and what have you. The files are all open to every member of the committee; and I may say, Senator McClellan, that unless the committee changes the rule, I am not going to order my staff to spend its time typing up copies of all of our memoranda and sending it to all the Senators. The files are available. Any Senator can go down and look through them at will. That has been the rule since I have been Chairman.

Senator McCLELLAN. May I ask the distinguished Chairman, have we yet received the names—and I assume they are in the file—of the claimed 133 Communists who are ready for investigation? I have asked for it. Have I yet received it?

Senator McCARTHY. You would know better than I, Senator. The information is available to you if you request it.

Senator McCLELLAN. I don't know how I can get it except to ask for it. You keep talking about 133 Communists that you want to investigate, and I haven't been able to get the name of one of them yet.

Senator McCARTHY. I say "exposed."

Senator McCLELLAN. I am ready to help you investigate them. I would like to have at least a little advance information.

Senator McCARTHY. Senator McClellan, may I ask this: You know I have been tied up here day and night with this investigation. I frankly don't have the time now—that is one of the reasons why I object to this show continuing on the road. As soon as we get through with this, I am sure the Senator from Arkansas knows that I have been always completely frank with him. He can have every piece of



information that we have. It so happens, as you know, that I have a lot of respect for the Senator from Arkansas.

Senator McCLELLAN. I thank you.

Senator McCARTHY. I hope that won't hurt your campaign.

Senator McCLELLAN. I hope you know I never want anything except what is fair and that is all I am asking now.

Senator McCARTHY. You will have every piece of information, John.

Senator McCLELLAN. I will be very glad to get what I have requested at your convenience and I hope it will be soon.

Senator McCARTHY. Good.

Senator MUNDT. I hope we are not going to engage now in too much additional colloquy among our colleagues, because one statement seems to inherit another. I will recognize Senator Symington if he has a point of order.

Senator SYMINGTON. Mr. Chairman, there is some time when I would like to say something in these hearings that the Chair doesn't point out as delaying the hearings.

Senator MUNDT. I would suggest that you wait until your 10-minute period. The Chair has made no statement whatsoever.

Senator SYMINGTON. I will repeat again that the Chair himself voted to recess the hearings for 10,000 minutes. Give me a chance, please, to make my point which I think is pertinent to the subject.

Senator MUNDT. You may make it. I couldn't stop you. I wouldn't try.

Senator SYMINGTON. I trust you wouldn't, even if you could, Mr. Chairman.

The point I was trying to make, sir, was that the minority counsel tells me that he asked the committee for the names of these Communists in accordance with the wishes of the distinguished senior Senator from Arkansas, and was turned down.

Thank you.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy?

Senator SYMINGTON. I beg your pardon. The counsel tells me he was not turned down, he has not received them yet. I would like to ask them when he asked for them.

They were asked for approximately 10 days ago.

Senator McCARTHY. May I say, Mr. Chairman, one of the reasons why I want to get this hearing ended is so that my staff can be in a position to furnish Senator Symington, Senator McClellan, anyone else the information that they are entitled to. But, Stu, you know—

Senator JACKSON. Well, Senator McCarthy.

Senator McCARTHY. Let me finish. We have been tied up here. You have had Frank Carr immobilized until yesterday and now he is back on his job. If there is any information you want, you will get it, period. Except, may I say, except in view of the statement by one of my Democrat colleagues the other day that he would not hesitate to make known the names of informants. In view of that, before I give any information to anyone, even members of the committee, to disclose confidential informants, I will have to take that up with the committee. I feel that I have a rather sacred trust when a man comes in who is working in Government and gives me information.



Senator McCLELLAN. Let's be specific, Joe. Who was it that told you he would give out your information. I didn't.

Senator McCARTHY. Unless I misunderstood you, Senator, the other day when I took the stand the question arose as to whether or not I should give out the name of this young man who gave me the résumé of the FBI files. Now, I read a story in the paper about 2 or 3 days later, and again I certainly don't hold you responsible for news reports——

Senator McCLELLAN. Have I ever given out any information of this committee?

Senator McCARTHY. Let me finish. Your statement as it was quoted was to the effect that you thought perhaps not only the man who gave me this information about Communists, but also Senator McCarthy might be guilty of a crime.

Senator McCLELLAN. I repeat that statement, sir. I do not believe you can receive information that is obtained by criminal means and hold it in your possession without the probability of you, too, being guilty of crime.

Senator McCARTHY. If anyone wants to indict me, they can go right ahead.

Senator McCLELLAN. That is a matter of legal opinion. But this is not restricted information, if you have the names, for the committee.

Senator McCARTHY. Senator, let me say this. We now have you on record as saying that you feel that the man who gave me information about treason in Government—that is what it is, it is nothing less than that—that he should be prosecuted.

Senator McCLELLAN. I didn't say that. I asked your administration, the chief law-enforcement officer of the land, to look into it and inquire, and determine what action should be taken. I am not passing on the final merits of it.

Senator McCARTHY. Let's get this straight.

Senator MUNDT. We are getting a long way away from the issue.

Senator McCARTHY. I know, but I think, Mr. Chairman, we should straighten this out.

Senator MUNDT. Senator Symington, I think my point is being well taken here, when you say a little statement does inherit a lot of colloquy.

Senator McCARTHY. Mr. Chairman, in view of Senator McClellan's statement and his request, I would like to make it clear that I think that the oath which every person in this Government takes, to protect and defend this country against all enemies, foreign and domestic, that oath towers far above any Presidential secrecy directive. And I will continue to receive information such as I received the other day. In view of Senator McClellan's statement that he feels that it is a crime for someone to give me information about traitors in Government, I am duty-bound not to give the Senator the names of those informants.

Senator McCLELLAN. I just want to get it straight.

Senator McCARTHY. May I say that that will be my policy. There is no power on earth that can change that.

Again, I want to compliment the individuals who have placed their oaths to defend the country against enemies—and certainly Communists are enemies—above and beyond any Presidential directive. And

none of them, none of them, will be brought before any grand jury because of any information that I give. If any administration wants to indict me for receiving and giving the American people information about communism, they can just go right ahead and do the indicting.

Senator McCLELLAN. You may be right about it, but I don't know of any oath that any man took for loyalty to his country that required him to commit a crime.

Senator MUNDT. The Chair suggests he would be happy to moderate a meet-the-press program sometime on a debate between Senator McCarthy and Senator McClellan, but this is not remotely connected I might say, with the hearings; nothing to do with the document in question; and the 130 Communists, if there be such, working in defense plants, is certainly work for this committee to take up in some other forum and not here.

Senator Symington, I do hope you will not incite another revolution, but if you insist upon being heard, I will hear you.

Senator SYMINGTON. I am very grateful to you and I see you are sticking to the pattern when I talk. For many years, I ran the Air Force of the United States as its civilian head, and the civilian head of a department, incidentally, does it under our form of Government.

From the standpoint of the security of the United States—and I did my best to make this country as secure as possible against communism—I would hate to think that all the people in the Air Force or the Army or the Navy who may have some grudge against their superior officer, or who may feel that their wisdom was superior to that of their superior officer, including the Commander in Chief, were being coaxed to give away secrets to those people they thought in their mind—and they made the decision—they had the right to give those secrets to, regardless of the law of the land.

One of my oldest friends in the newspaper business the other day said that Edgar Hoover told him that if he released the document, that he would be jailed. I read that with a great deal of interest. I have never said that anybody committed anything wrong in receiving it. But I do say that regardless of his personal opinion, no man who takes an oath of office not to divulge secrets, has the right to decide to do it.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I hesitate wasting the time; I would like to get back to Mr. Cohn's testimony. I think we have been waiting for that story.

Senator MUNDT. I would like to say that I think this whole colloquy is irrelevant. We would like to get on with the hearings. But the Chair does not have the authority of a judge in a courtroom. I am talking about this colloquy. But the Chair can do nothing about it. Senator McCarthy?

Senator McCARTHY. I would agree that it is wholly irrelevant as far as this hearing is concerned; however, it is relevant as far as the work of the investigating committee is concerned.

I am at this point deeply concerned to find my two Democrat colleagues in effect notifying the 2 million people who work for this Government that they think it is a crime for those employees to give the chairman of an investigating committee evidence of Communist

infiltration, treason. I think that will serve to discourage them. As far as I am concerned, I would like to notify those 2 million Federal employees that I feel it is their duty to give us any information which they have about graft, corruption, communism, treason, and that there is no loyalty to a superior officer which can tower above and beyond their loyalty to their country. I may say that I hope the day comes when this administration notifies all Federal employees that any information which they have about wrongdoing should be given to any congressional committee which is empowered to take it, period.

Senator McCLELLAN. Mr. Chairman, I just want to make this observation. I want to make this observation. If this theory is followed, if this principle is adopted, that every Federal employee should reveal everything he knows, that is, information against Communists, then you can have no security system in America. It will destroy it totally and irrevocably if all who have information give it out indiscriminately.

Senator JACKSON. Mr. Chairman?

Senator MUNDT. Senator Jackson, may I implore you not to get into this, please, which will invoke a lot more discussion. Our Republican colleagues have remained silent. Your name has not been mentioned. The discussion has been going on between the three people who precipitated it. We should get on with the hearings. This has nothing to do with the hearing.

Senator JACKSON. It grew out of a matter that came into these hearings, and I merely want to say that the expressions that Senator McClellan and Senator Symington have made regarding the people who give out such information from the departments is not just a personal view, but it is my understanding that Mr. J. Edgar Hoover and Mr. Brownell, the Attorney General of the United States have deplored it and have indicated it is a violation of law. That is not a matter to be tossed around on a personal basis, but it comes from the highest law-enforcement officer in the country.

Senator MUNDT. Mr. Jenkins—

Senator MCCARTHY. Mr. Chairman, just 10 seconds, if I may. If a State Department employee had not rapped on the door of the present chairman of this committee, Senator Mundt, and gave him information about treason, Alger Hiss would not be in jail today.

Senator MUNDT. Mr. Jenkins?

Mr. JENKINS. Mr. Cohn.

Mr. COHN. Yes, sir.

Mr. JENKINS. Shall we resume?

Mr. COHN. I am willing.

Mr. JENKINS. I believe, Mr. Cohn, you were telling the committee about the work being done by the McCarthy committee with respect to its investigation of Communists and subversives in the Army prior to the beginning of your hearing.

Mr. COHN. That is right, sir.

Mr. JENKINS. I don't believe you had finished your statement with respect to that area of investigation, and I now ask you to do so, Mr. Cohn.

Mr. COHN. The area of investigation—in other words, sir, the information and the allegations which we had received presented the following picture, which I might say was confirmed in almost every instance: We found, sir, that pro-Communist literature had been in

use by Army Intelligence and was still in use in some cases by Army Intelligence.

Mr. JENKINS. Do you assert that as a fact, Mr. Cohn?

Mr. COHN. Sir, I am giving you the benefit of the information and evidence which we assembled, and in this case I would make a reference to public hearings of the subcommittee conducted on September 28, 1953. I would like the record to speak for itself on that.

Then there were some other areas, Mr. Jenkins, which we have not had a chance, due to this, to explore publicly yet, which concern generally people following the Communist line teaching at various Army institutions. We found that a directive had been issued in 1944 permitting and perhaps, in the interpretation of many, even encouraging the commissioning of Communists.

Mr. JENKINS. For the benefit of the record, under whose administration was that directive issued?

Mr. COHN. You mean who was President, sir?

Mr. JENKINS. Yes, sir.

Mr. COHN. Franklin D. Roosevelt was President.

Mr. JENKINS. Very well.

Mr. COHN. Anyway, a directive was issued in 1944, I believe by the Department of the Army or the War Department as it was then called, permitting the commissioning of people who were Communists and members of the Communist Party. We were told, sir, and we found that a number of persons, a number of Communists had been commissioned in the United States Army, that some of them were still in the Army, and that some had been commissioned in fairly recent years.

Then, sir, we were given information and we found that as far as the Army civilian personnel were concerned, there had been infiltration by Communists, people with Communist records, and people who were certainly security risks.

We found, sir, that that infiltration had extended particularly to the Army secret radar laboratories at Fort Monmouth, N. J. If I might relate one very short incident which came to our attention about that.

We were told, sir, that a man by the name of Aaron Coleman, whose name has figured in these proceedings, was still working at Fort Monmouth.

Mr. JENKINS. When did you ascertain that fact?

Mr. COHN. That was in the spring of 1953. We were told that Aaron Coleman was working at Fort Monmouth.

Mr. JENKINS. As a civilian employee?

Mr. COHN. As a civilian employee. That name rang a bell. I knew that that name had been mentioned in the course of the espionage trial of the executed atom spies, Julius and Ethel Rosenberg. I went back and I checked the record of the Rosenberg trial, and I found that in the course of the testimony of Julius Rosenberg, the convicted and executed atom spy, he had testified that Aaron Coleman, this same Aaron Coleman, had been a friend and an associate of his at Fort Monmouth.

Specifically, sir, I am referring to folio 1284 of the record as prepared for the Supreme Court.

Mr. JENKINS. Had Rosenberg at one time worked at Fort Monmouth?



Mr. COHN. Rosenberg had gone to school at Fort Monmouth, he had been there on visits, and he was working technically, sir, for the Army Signal Corps as an inspector.

Mr. JENKINS. To clear the record now—and let's keep it straight—that certainly was long before Secretary Stevens assumed the duties of his office?

Mr. COHN. Yes, it was. Rosenberg was working for the Army Signal Corps, I believe from around 1940 or 1941 to 1945.

Mr. JENKINS. But you found that Coleman had worked there simultaneously with Rosenberg?

Mr. COHN. There are one or two sentences, and I think it speaks for itself, if I may.

Julius Rosenberg, the convicted atom spy, was asked at his trial as follows:

Question. Can you give us now the names of some other classmates of yours with whom you had either social or business relations after your graduation?

Answer by Julius Rosenberg:

Well, there were people who were in my squads in the electrical engineering courses. Mr. Aaron Coleman, who subsequent to graduation I met at Fort Monmouth when I was assigned there.

Then he named a few additional names. He then went on to say—was asked by the court, by Judge Irving Kauffman:

Did you see any of these people socially?

Julius Rosenberg answered:

The only way I got to see them socially was by going out to lunch with them.

Question by the Court:

In connection with your business?

Julius Rosenberg:

With my visiting them.

In other words, sir, in the spring of 1953, we were told that one of the people still working at Fort Monmouth was a friend and associate of atom spy Julius Rosenberg.

Mr. JENKINS. That was Aaron Coleman?

Mr. COHN. That was Aaron Coleman.

Mr. JENKINS. That rang a bell in your mind?

Mr. COHN. It did, sir. The name did. I then checked the record. I ascertained what I just read here and other things, too.

Mr. JENKINS. That was before you ever started any hearings either private or public?

Mr. COHN. Yes, sir.

Mr. JENKINS. Very well. You may go ahead, Mr. Cohn.

Mr. COHN. We went on to the Coleman case, sir, and we checked around on that. We were told—and what we were told has later been confirmed under oath—that this same Aaron Coleman who was still working at Fort Monmouth had participated in Communist activity with the executed atom spy, Julius Rosenberg. Of course we believed that to present a thoroughly alarming situation to think that Coleman could still, in the year 1953, be at Monmouth.

Mr. JENKINS. Did or not your investigation prove that to be correct?

Mr. COHN. Sir, I believe the report speaks for itself on that. Coleman on the stand, under cross-examination before this committee I believe on December 8, admitted that Julius Rosenberg had taken him, Coleman, to a meeting of the Young Communist League. He denied membership in the Young Communist League, but a man named Nathan Sussman who admitted membership in the Young Communist League, named Coleman under oath as a member of the Young Communist League in the same cell with Julius Rosenberg and other people, who have been found to be spies and Russian espionage agents.

Mr. JENKINS. Mr. Cohn, I have permitted you to go into some detail with respect to Aaron Coleman because his name figures quite prominently in testimony heretofore.

Mr. COHN. And will again.

Mr. JENKINS. I will ask you whether or not in addition to Coleman, you discovered that there were other employees, civilian employees, at Fort Monmouth or in the Army whose records were such as to elicit your interest as a member of the McCarthy investigating committee.

Mr. COHN. Without mentioning any names, we were told that there were a large number of people with Communist affiliations and with connection with Communist spies who were still, in 1953, working at the secret Army radar laboratories at Fort Monmouth, in spite of the fact that for a period of years the FBI had been warning people in the Army that these people were in the secret radar laboratories, and giving the Army information on the basis of which these people should have been suspended and removed.

Mr. JENKINS. How long did your investigation continue, Mr. Cohn, looking to the assembling of facts preparatory to having hearings?

Mr. COHN. I would say, sir, 2 or 3 or 4 months.

Mr. JENKINS. During that time did you meet the Secretary of the Army?

Mr. COHN. We did not.

Mr. JENKINS. You did not consult or confer with him?

Mr. COHN. We did not.

Mr. JENKINS. When did your hearings begin with respect to the infiltration of subversives in the Army generally?

Mr. COHN. They began in the summer, sir, directly following the completion of open hearings on the Government Printing Office.

Mr. JENKINS. Can you give us the month?

Mr. COHN. August.

Mr. JENKINS. In August 1953?

Mr. COHN. Yes, sir.

Mr. JENKINS. Those initial hearings, we understand, were executive hearings.

Mr. COHN. Yes, sir.

Mr. JENKINS. And held where?

Mr. COHN. At various places, sir. At the United States Courthouse, Foley Square, New York, where the committee has an office; down in Washington, in this room, and in room 357, and maybe in other rooms on the first floor; and at Fort Monmouth itself.

Mr. JENKINS. Generally presided over by Senator McCarthy alone?

Mr. COHN. Yes, sir. He is the chairman of the committee and he presided at those sessions at which he was present and I believe he was present at practically all the sessions.

Mr. JENKINS. For the benefit of those who do not know, Mr. Cohn, it is my understanding certainly that one man constituted a quorum, one member of the committee.

Mr. COHN. That is an important point, Mr. Jenkins. Under the Christoffel decision.

Mr. JENKINS. Well, is that correct or not?

Mr. COHN. Yes, sir, it is. In order to make possible prosecution of Communists and others for perjury, this committee, as I believe practically every other congressional committee, has adopted a one-man quorum rule. Otherwise, when you bring a perjury or contempt case, you have to prove that a majority of members of the committee were sitting right at the table during every second of the hearing or the defendant gets acquitted. After the Supreme Court ruled on that, I believe this committee, like most other committees, adopted this one-man quorum rule.

Mr. JENKINS. Which rule prevails during these hearings, as we understand it?

Mr. COHN. Yes, sir.

Mr. JENKINS. Now, Mr. Cohn, it has been testified to heretofore in these hearings, that initially you were investigating three alleged subversives or Communists in the Army generally, is that correct?

Mr. COHN. Not exactly, Mr. Jenkins. There were three who were called in first. There were a number under investigation. But you are quite correct in saying that at the first hearings in August, we did deal with three specific cases.

Mr. JENKINS. They were not at Fort Monmouth?

Mr. COHN. No, they weren't at Fort Monmouth, but one of them, sir, was an Army Signal Corps employee and, of course, Fort Monmouth is part and parcel of the Army Signal Corps. There is really no distinction between the Signal Corps and Fort Monmouth.

Mr. JENKINS. I will ask you whether or not the fact that you were investigating these three subversives in the Army was publicized.

Mr. COHN. It was.

Mr. JENKINS. And do you know about when?

Mr. COHN. I would say the end of August or the beginning of September.

Mr. JENKINS. The end of August or the beginning of September?

Mr. COHN. Yes, sir.

Mr. JENKINS. Did you later learn and do you now know that that was the information that was read by the Secretary of the Army when he was in Montana?

Mr. COHN. Yes. I believe what he read, Mr. Jenkins—he read specifically about these cases—

Mr. JENKINS. These three cases that we are discussing?

Mr. COHN. Yes. Without going into detail on the three, and without mentioning any names, this particular one in the Army Signal Corps, who I think was in on August 31, was a security guard for the Army Signal Corps, and the evidence which we have, and which I have right here, is that he had signed a written pledge of support to the Communist Party of the United States.

Mr. JENKINS. Do you have that before you?

Mr. COHN. I do, sir.

Mr. JENKINS. Mr. Cohn, what became of those three subversives or Communists or poor risks, that you initially investigated?

Mr. COHN. Sir, I can tell you very clearly—

Mr. JENKINS. Were they or not suspended, discharged, or are they still on the job?

Mr. COHN. Two were. I think the third was, although I am not sure. The one, the security guard at the Army Signal Corps who had signed this Communist Party petition was suspended immediately after he was exposed by the committee. The second one, the second Army employee, for the quartermaster corps, invoked the fifth amendment as to certain Communist activities and was shortly thereafter suspended.

Mr. JENKINS. Was it thereafter that you directed your efforts particularly to Fort Monmouth, after the exposure of the three persons about whom we have been talking?

Mr. COHN. I would say yes.

Mr. JENKINS. Is that correct?

Mr. COHN. With this qualification, Mr. Jenkins: We did hold hearings in between on the use of Communists, pro-Communist literature, literature with Communist contents by Army Intelligence. We had a public hearing. But with those exceptions, I would say the concentration was on Aaron Coleman and Fort Monmouth.

Mr. JENKINS. And was the concentration on Fort Monmouth as a result of the facts that you had assembled in the previous months of investigation?

Mr. COHN. It was.

Mr. JENKINS. Had they directed or pointed your efforts toward Fort Monmouth?

Mr. COHN. Yes.

Mr. JENKINS. When did you first meet the Secretary of the Army?

Mr. COHN. The beginning of September, sir.

Mr. JENKINS. Do you recall the date, the circumstances, the place?

Mr. COHN. Yes. I recall generally the circumstances. I remember that after these hearings were held in New York, various news stories appeared, and one I wanted to read a paragraph from because I think it is very important, Mr. Jenkins. It shows that as early as September 2, 1953, Senator McCarthy made it publicly clear, that he intended to call before the subcommittee, members of the loyalty board, people in the loyalty procedure, who were responsible for the clearing of Army personnel with Communist and subversive records. This news story, which is from the Washington Times-Herald, by Willard Edwards, dated September 2, 1953, the one paragraph which I care to read, if I may, sir, goes as follows:

It quotes Senator McCarthy as saying on September 3:

Until we find out who cleared these individuals for Army employment, despite their record of Communist activities, we will not get to the bottom of this tragic situation, McCarthy remarked.

Mr. JENKINS. Would you care to file that?

Mr. COHN. I would be happy to file it.

Mr. JENKINS. Let it be in the record subject to the approval of the chairman.

Senator MUNDT. We will give it the proper exhibit number and file it.

May the Chair inquire now, and I think they have been advised informally by the Democratic members, that they have no objection to filing the earlier item.



Senator McCLELLAN. Mr. Chairman, I have no objection to it being filed, I simply insist that I have a right to see and know what is going on before it happens.

Senator MUNDT. Very well. The preceding document was marked "26." and 27 will be the newspaper story.

(The newspaper item was marked "Exhibit No. 27" and will be found in the appendix on p. 1599.)

Mr. JENKINS. Before interrogating you with respect to your relationships, your contacts, your conversations with the Secretary of the Army and his attorney, Mr. Adams, I want you to tell the members of this committee your version, or your story, of your investigation of subversives at Fort Monmouth and the result of that. I asked Mr. Stevens for his version of Fort Monmouth, I asked Mr. Adams to relate his version. I should now like to give Mr. Cohn an opportunity to give the Cohn version of his investigation of Fort Monmouth and the results you obtained without going into specific cases.

First of all, let me ask you a specific question: How long did you investigate the alleged infiltration of poor risks or subversives at the installation of the Army known as Fort Monmouth?

Mr. COHN. Sir, the committee's attention and the attention of the staff were first directed to that in the spring of last year. We are not finished and I hope, when these hearings are over, that we will be getting back to that.

Mr. JENKINS. How many subversives, Mr. Cohn, do you say were suspended, discharged, or otherwise any disciplinary action taken against them whatsoever, as a result of the McCarthy investigating committee's efforts along that line?

Mr. COHN. Sir, before we began our investigation, the number of suspensions was zero. Following our investigation, the number was 35. I believe that one of the 35, it has been said here by Mr. Stevens, has been reinstated with full clearance, and I believe a number of others have been put back on the job but have not had their security clearance restored. So that we have before we started there was zero, and now there are 34, most of them under complete suspension, some of them there but with security clearance and access to security material removed.

Mr. JENKINS. Mr. Cohn, do I understand that it is your position that there were 35 suspensions as a result of the work of the McCarthy staff?

Mr. COHN. I believe that to be the fact, sir.

Mr. JENKINS. You have read the statement made by the Secretary of the Army, his written statement. You have read the statement made by Mr. Adams.

Mr. COHN. Yes, sir.

Mr. JENKINS. Is that correct?

Mr. COHN. I have heard those and remember them.

Mr. JENKINS. You have heard those read?

Mr. COHN. Yes, sir.

Mr. JENKINS. Do you recall that it was stated by Mr. Adams in his 40-page statement that while the McCarthy committee speeded up the suspension of these subversives, the Army nevertheless would have done it in due course of time. Is that your understanding of what Mr. Adams said in substance?

Mr. COHN. Yes, sir.

MR. JENKINS. Well, now, Mr. Cohn, what significance or importance do you attach to the time element insofar as a subversive is concerned in an installation such as Fort Monmouth?

MR. COHN. Obviously, sir, time is of the essence in removing a security risk or a subversive from any secret installation, and particularly, sir, from secret radar laboratories such as those at Fort Monmouth, because at the one hand you have the offensive weapons like the atomic and hydrogen bombs, and if the Russians have those just about all we have left would be our defenses to aircraft and atomic attack, and radar is an integral part of those defenses. Fort Monmouth is one of the nerve centers of radar, secret radar research and development in this country.

MR. JENKINS. Mr. Cohn, it is alleged by you—and I am getting down now to the specific allegations—that the Secretary of the Army and his counsel used improper means and methods in their efforts to halt the work of the McCarthy committee, particularly at Fort Monmouth. I now ask you to tell the members of this committee when the first overt act was committed in that respect, by whom and where?

MR. COHN. Yes, sir. I don't believe, Mr. Jenkins, that we have characterized any of the acts of Mr. Stevens or Mr. Adams with the use of the adjective "improper" or anything else. We have set forth what the facts are. I will do that now, sir, at your direction.

MR. JENKINS. I am asking now for you to take these up chronologically.

MR. COHN. All right.

MR. JENKINS. And in an orderly way tell when the first act, whether it is overt or not, or the first word or the first deed, was said or done which you construed or any member of your staff construed as an effort on the part of the Secretary of the Army and his counsel to stop your investigation of subversives at Fort Monmouth?

MR. COHN. Yes, sir. The first contact we had with Mr. Stevens about it, I suppose was during September, when we told him that the investigation at Fort Monmouth was underway and how deeply concerned we were about it. I suppose he had heard that rumored around, anyway, before that. Mr. Adams came on the scene at the end of September—

MR. JENKINS. Wait, Mr. Cohn. Don't go too rapidly. Your first contact, as we understand it, was with the Secretary alone before Mr. Adams came on the scene?

MR. COHN. Yes, sir. I met the Secretary some 3 weeks before I ever met Mr. Adams.

MR. JENKINS. Where was this first conversation, this first contact with the Secretary?

MR. COHN. The first contact with the Secretary was held after the exposure of these two people with Communist records up in New York.

MR. JENKINS. I am talking about the one in which you say you apprised him of the fact that you were directing your investigations into Fort Monmouth.

MR. COHN. Sir, we told him about that, the first time I recall talking with Mr. Stevens about that is on September 16, 1953.

MR. JENKINS. Where was that, Mr. Cohn?

MR. COHN. New York.

MR. JENKINS. Where, specifically, in New York?

Mr. COHN. That was in the apartment of Dave Schine's parents.

Mr. JENKINS. Who was present?

Mr. COHN. Chairman McCarthy, Mr. Stevens, I was there, Dave Schine was there.

Mr. JENKINS. Precisely what did you tell the Secretary of the Army with respect to the direction of your efforts at Fort Monmouth?

Mr. COHN. There was a general discussion about various areas of Communist infiltration in the Army which the committee had under consideration. I recall two which were mentioned. One was the Fort Monmouth investigation. Another was the investigation of use of Communist-line literature by Army Intelligence.

Mr. JENKINS. What did the Secretary say on that occasion?

Mr. COHN. He indicated he was very much concerned about the situation.

Mr. JENKINS. What, if anything, did he say, Mr. Cohn, which led you to believe that he did not want you to conduct such an investigation with respect to subversives in Fort Monmouth?

Mr. COHN. On that occasion?

Mr. JENKINS. Yes, on that occasion.

Mr. COHN. Nothing.

Mr. JENKINS. Nothing whatever?

Mr. COHN. No, sir.

Mr. JENKINS. Was there anything on that occasion, to wit, September 16, said by the Secretary of the Army that was improper in any way whatsoever?

Mr. COHN. No, sir.

Mr. JENKINS. Very well. When was your next contact with the Secretary?

Mr. COHN. The next contact with the Secretary, Mr. Jenkins, would be the day we held an executive session on the use of Communist literature by Army Intelligence, down on the first floor of this building, and I think that was a week or so later.

Mr. JENKINS. It would be, then, approximately September 23?

Mr. COHN. I think the date was fixed by Mr. Stevens as the 21st of September. I am sure that is right.

Mr. JENKINS. Was anything improper said by the Secretary then, Mr. Cohn, with respect to stopping your work at Fort Monmouth?

Mr. COHN. No, sir.

Mr. JENKINS. When was the first time that the Secretary of the Army ever suggested to you that you discontinue that work and turn it over to him or made any other suggestion leading you to believe that he wanted the McCarthy committee to step down and out and let the Army do that work?

Mr. COHN. The first conversation of which I have a recollection, with Mr. Stevens about that, I would fix on or about October 13.

Mr. JENKINS. Where was that?

Mr. COHN. The Merchants Club, New York.

Mr. JENKINS. I will ask you, Mr. Cohn, to please tell the committee in detail what the Secretary said on that occasion, October 13, at the Merchants Club in New York City?

Mr. COHN. Sir, to be chronological about this, Mr. Adams had come into the picture in the meantime. There had been some conversations with him.

Mr. JENKINS. Let me withdraw my question, then.

Mr. COHN. All right.

Mr. JENKINS. I will ask you, then, whether or not the first time you were importuned, either you or Senator McCarthy, by anyone connected with the Army to discontinue your investigation of subversives at Fort Monmouth, was done by Mr. John Adams?

Mr. COHN. It was.

Mr. JENKINS. Where and when was that?

Mr. COHN. That was up at the United States courthouse in New York during the first week of October.

Mr. JENKINS. The first week of October?

Mr. COHN. Yes, sir.

Mr. JENKINS. Was the Secretary of the Army with you, Mr. Cohn, on that occasion?

Mr. COHN. No, sir.

Mr. JENKINS. Will you please tell the committee in detail what was said on that occasion by Mr. Adams, and what occurred?

Mr. COHN. Yes, sir. What occurred was this, sir: We had had our public hearing on Communist infiltration in the Army on September 28. September 29, Senator McCarthy was married, left on his honeymoon, and the staff conducted its staff interviews on Fort Monmouth personnel, people working in the secret radar laboratories at Fort Monmouth, up in New York at the beginning of October while Senator McCarthy was away.

Before the Senator had left, Mr. Jenkins, he gave us a way of reaching him by shortwave radio. I don't think he encouraged us to reach him, but he gave us a method of doing that in case we wanted him to come back.

Mr. JENKINS. Did you interrupt his honeymoon?

Mr. COHN. I am afraid we did, sir. But before that, sir, we conducted staff interviews of people currently working at the secret radar laboratories in Fort Monmouth during September and during October.

To come directly to your question, during some of those staff interviews at the beginning of October up in New York, Mr. John Adams was present. He had been appointed but 2 or 3 days before as counsel for Mr. Stevens.

Mr. JENKINS. October 1, to be exact.

Mr. COHN. Is that the date of the appointment? He had been appointed October 1.

I met him before that. I believe that he had come over to our hearing on September 28, and before the appointment Mr. Stevens told us that Mr. Adams was going to be appointed and would be working with our committee.

In any event, during the first few days of October while we were having in these employees at Monmouth at the secret radar laboratories, concerning whom we had information of Communist affiliation, association with Communist spies, removal of documents, and things of that kind, Mr. Adams came up to New York and sat in on those interrogations.

Mr. JENKINS. Very well.

What, if anything, did Mr. Adams say?

Mr. COHN. Mr. Adams—I might say that we became friendly—Mr. Carr and I and the other staff members—became friendly with Mr. Adams. He would go out to lunch with us and there was a very



cordial and pleasant relationship. We discussed the witnesses and the hearings and the whole situation, and we discussed Mr. Adams' new job. On those occasions Mr. Adams made it clear to us that he would be very appreciative if we could find some way of avoiding any kind of hearings, executive or public or anything else, on the situation of Communist infiltration at the Army secret radar laboratories at Fort Monmouth—

Mr. JENKINS. What were his objections, Mr. Cohn?

Mr. COHN. Well, sir, it wasn't so much a question of objections. He just wanted to know if we could avoid some way of doing it. He felt if we could, such an arrangement would be a lot more agreeable to Mr. Stevens and that it would solidify Mr. Adams, who had just been appointed, in his new position. He felt that if some way could be worked out of avoiding the subcommittee's going into this and letting the Army go into it on the basis of subcommittee information, it would be a more pleasant arrangement for Mr. Stevens and for Mr. Adams.

Mr. JENKINS. Did Mr. Adams tell you specifically for what purpose he had been employed or for what principal purpose he had been employed by the Secretary of the Army?

Mr. COHN. He had been employed as counsel, but he told us that Mr. Stevens had given him as his first and most important assignment observing the committee hearings and working on this Fort Monmouth investigation.

Mr. JENKINS. Did or not he tell you at that time, Mr. Cohn, that Mr. Stevens desired that you discontinue your investigation at Fort Monmouth and turn it back to the Army?

Mr. COHN. He did not make a direct request, Mr. Jenkins. He made it clear to us that if some way could be found to have the committee not hold hearings, but let Mr. Adams and Mr. Stevens do the job, that would be welcome news to Mr. Stevens and Mr. Adams.

Mr. JENKINS. Did or not you accede to that—well, we will say inference that you drew from what he said?

Mr. COHN. No, sir, for two reasons: First of all, I had no authority and neither did Mr. Carr or any other staff member to accede to that. The chairman had made the decision and it was not in our power to reverse that decision. The second point is we could see no basis in fact for even making a recommendation to the chairman on that, for this reason, Mr. Jenkins: Their situation had existed for a long time, the infiltration by people with records of Communist affiliation in the secret radar, Army radar laboratories at Fort Monmouth. The FBI had been warning them about it for years, prior to Mr. Stevens' administration and during Mr. Stevens' administration, and it looked pretty much like one of those situations where action was being taken because our committee was investigating, and where, if we stopped, the action might very well stop.

Mr. JENKINS. Mr. Cohn, had or not the Army at that time, that is, in the first week of October 1953, done anything whatever to your knowledge by way of concentrating its efforts and pinpointing the existence of subversives at Fort Monmouth?

Mr. COHN. Yes, sir. After our conversations with Mr. Stevens in the middle of September, there were, I think Mr. Stevens has said, 5 or 6 suspensions from the secret radar laboratories at Fort Mon-

mouth on the ground of security risk charges, and Communist affiliation charges, and I have no reason to quarrel with that.

Mr. JENKINS. Had the Army done anything about it prior to your meeting with Mr. Stevens on September 16?

Mr. COHN. As far as I know it had not. I think Mr. Stevens' charge showed that one person had been suspended in August for some reason.

Mr. JENKINS. Chronologically, was your next contact after the one the first week of October with Mr. Adams—was it with Mr. Adams or was it with the Secretary of the Army or both?

Mr. COHN. Sir, it was with Mr. Adams. He was there, I believe, more than 1 day. I think he was there 2 or 3 days or maybe more than that. He would be in on the sessions, and when he was not there, his assistant would be there, and he would keep right on talking to us, and a topic of discussion on his part was could we arrive at some formula which he could tell Mr. Stevens about whereby this subcommittee would bow out and let the Army conduct the investigation. So those conversations with Mr. Adams continued on. There came a time a few days later when—

Mr. JENKINS. Before passing from that, do I understand you to say that he said that the Secretary would be happier about it and that it would solidify him with the Secretary if his desires were acceded to?

Mr. COHN. He made it clear that the Secretary would be happy about it. I don't think he said solidify him with the Secretary, but he said words to the effect that it would be a feather in his cap in his new job, if he would accomplish this. It would solidify him in his job.

Mr. JENKINS. You started to tell about another conversation with Mr. Adams a short time thereafter.

Mr. COHN. This same line of conversation continued from that period on for a matter of months. The next development was, as we called in and talked to more and more of these people who were working in the secret radar laboratories at Fort Monmouth, and as we saw what the security situation was, what the records of some of these people might be, and the fact that no action had been taken, I communicated with Senator McCarthy by shortwave radio. I flew down and I met him at West Palm Beach, he had been on an island, and he came in. I met him at West Palm Beach, I think I brought some of the transcripts of the testimony with me, and I told him that there had been a few suspensions, but there were still a sizable number of people working in the secret radar laboratories at Fort Monmouth with records of Communist affiliation to a greater or lesser degree, and in view of the extreme sensitive defense and aircraft and anti-aircraft defense being done there, I felt that the situation was serious enough for Senator McCarthy to come back and start holding formal executive sessions right away.

Mr. JENKINS. Do we understand that Senator McCarthy had been on his honeymoon?

Mr. COHN. Yes, sir.

Mr. JENKINS. And did Senator McCarthy as a result of your going to West Palm Beach and your having that conversation with him return to Washington or New York?

Mr. COHN. He did. He flew to Wisconsin on Saturday or Sunday and on Monday he was in New York to hold hearings.

Mr. JENKINS. Were hearings held?

Mr. COHN. They were.

Mr. JENKINS. Was Mr. Adams present?

Mr. COHN. I don't recall whether Mr. Adams was there on Monday. I think Monday was the 12th, and I am not sure of that. I know that on the second day, both Mr. Adams and Mr. Stevens arrived on the scene.

Mr. JENKINS. That is October 13?

Mr. COHN. I believe that to be October 13, sir.

Mr. JENKINS. I want you to tell the committee, Mr. Cohn, what occurred on October 13, in New York City and particularly with respect to anything that was said or done having relevancy to your charges against Mr. Stevens and Mr. Adams.

Mr. COHN. Well, having relevancy, sir, to the facts as they took place, Mr. Stevens and Mr. Adams, as I recall it, came up to New York and came over to an executive session of the subcommittee on the morning of the 13th, if that is the exact date. They sat in during the testimony. I believe that a couple of current employees at the secret radar laboratories at Fort Monmouth testified. A couple of former employees invoked the fifth amendment about espionage, sabotage, and things of that kind. It was a bad situation.

And Mr. Stevens and Mr. Adams heard that testimony. While they were there on that day, and during the lunch hour, when we went over and had lunch with them, Mr. Stevens and Mr. Adams raised with Senator McCarthy the question of whether or not we had to have hearings, whether we had to continue with them, when the investigation was going to stop, and wasn't there some way that Mr. Stevens and Mr. Adams could get us to stop and let Mr. Stevens and Mr. Adams do this themselves.

Mr. JENKINS. At that time did the Secretary or his attorney, Mr. Adams, complain about the type of newspaper publicity that was flowing from these hearings, Mr. Cohn?

Mr. COHN. Do you mean suggest that it was unfair in any way?

Mr. JENKINS. Yes.

Mr. COHN. They did not.

Mr. JENKINS. Or that it was distorted?

Mr. COHN. No, sir. As a matter of fact, Mr. Adams and Mr. Stevens, I believe, from then on and prior to that time, had been present at some of the sessions, had been present at some of the news conferences held after the sessions, had participated in some of those news conferences, and I don't recall of any suggestion of inaccuracy as to anything that Senator McCarthy said ever being made by Mr. Stevens or by Mr. Adams.

I think sir—

Mr. JENKINS. Well, did as a matter of fact either you or a member of the staff or Senator McCarthy give to the press any distorted or unfaithful account of the proceedings of those executive sessions?

Mr. COHN. I am sure we did not, sir.

Mr. JENKINS. You did not?

Mr. COHN. I am sure of that.

Mr. JENKINS. You say there was no complaint about it?

Mr. COHN. There was not.

Mr. JENKINS. Insofar as Secretary Stevens or Mr. Adams was concerned?



Mr. COHN. There was no complaint to us or in my hearing. I might say this, Mr. Jenkins, it was very clear that they did not like the fact that there had been some Communist infiltration, and that Senator McCarthy was suggesting that it should have been acted upon earlier. They did not like the fact that that was being publicized. But they made no statement that any of the publicity was unfair.

Mr. JENKINS. While we are in New York on October 13, Mr. Cohn, I want you to tell the committee whether or not some arrangement was made by Mr. Stevens with the Merchants Club, of which he was a member, with respect to the entertainment, and facilities, of that club being tendered to Senator McCarthy and the members of his staff.

Mr. COHN. Well, Mr. Stevens—

Mr. JENKINS. What did take place?

Mr. COHN. I want to say was very, very kind, and he offered to put the facilities of the Merchants Club, to which he belonged, a private dining room there and luncheon, at the disposal of the subcommittee and the staff every day during the time of our business up in New York on this.

Mr. JENKINS. And was that to be free of cost insofar as the Senator and members of his staff were concerned?

Mr. COHN. There was no discussion about that, sir. I assumed that was included in the offer. And I might say, I see really nothing wrong in the offer. Mr. Stevens was always very courteous and very considerate.

Mr. JENKINS. You and Mr. Adams are in accord on that. He said he saw nothing wrong about it.

Mr. COHN. No, sir. I see nothing wrong about it.

Mr. JENKINS. Did you avail yourself of it?

Mr. COHN. No, sir; we didn't. When Mr. Stevens was present on the 13th, we had lunch with him there. I think the next day Mr. Stevens had left before lunch but some of the generals were there and Mr. Adams and we went over that day. There was November 17 when we had luncheon with Mr. Stevens there. But on the great majority of occasions, we ate over at Gasder's restaurant, right near Foley Square. We ate over there and not at the Merchants Club.

Mr. JENKINS. Now, Mr. Cohn, I want you to tell the committee to what extent and to what degree Mr. Stevens and Mr. Adams importuned you, requested you, pleaded with you to discontinue your hearings with respect to Fort Monmouth and turn it over to the Army.

Mr. COHN. Yes, sir. Well, I don't think that I would call them importunings, Mr. Jenkins, or anything like that. There was discussion in which Mr. Stevens and Mr. Adams made it very clear to Senator McCarthy that the sooner we stopped investigating the Army, Communist infiltration in the Army, the better they would like it, and that it would certainly be welcome to them personally if we would stop it.

Mr. JENKINS. Did or not they concede that there had been Communist infiltration in the Army, particularly at Fort Monmouth, or was that fact denied by them?

Mr. COHN. Oh, no, there was no doubt about it in their minds or in our minds or in anyone's mind.

Mr. JENKINS. Did you feel, then, Mr. Cohn, that they were exerting too much pressure on you and the Senator?



Mr. COHN. Sir, I attached no special significance to that. Most people whose departments or agencies are under investigation are not happy about that fact, and the sooner the investigation is over, the better they like it.

Mr. Stevens and Mr. Adams obviously were not personally pleased at what might be classed as unfavorable results and unfavorable publicity from their standpoint, and indications that Communists and Communist infiltration had gone on in their Department. I assume it was personally embarrassing to a certain degree, and they wanted us to stop. I saw nothing unusual. That has been asked by other people before.

Mr. JENKINS. Was your work at that time bearing fruit and were you exposing and causing the suspension of subversives at Fort Monmouth?

Mr. COHN. Well, sir, I think the record stands that before our committee started, the record was zero; after our committee investigation the record of suspensions of people from the secret radar laboratories stood at 35. So I don't think there can be much dispute about results.

Mr. JENKINS. When, Mr. Cohn, was the next contact between the McCarthy committee and—I will not say the Army—we will say the Secretary or Mr. Adams, or one or the other of them or both of them?

Mr. COHN. Sir, I want to say at this point, obviously I am leaving out here, as you and I have discussed, matters which you will want to know, I know, and which Mr. Welch will interrogate me about on cross-examination, about the Schine matter and about other conversations and discussions, and I am trying to channel myself to the areas which you have outlined here.

Mr. JENKINS. You are entirely correct.

Mr. COHN. On that, the next discussion was October 14, the very next day.

Mr. JENKINS. What was that discussion?

Mr. COHN. Well, sir, I had better go back to the 13th for one minute and tell you what Senator McCarthy's reaction was to the request or the discussion by Mr. Stevens and Mr. Adams as to whether or not we could not end our investigation of Communist infiltration and the covering up of Communist infiltration.

Mr. JENKINS. What did the Senator say on the 13th, Mr. Cohn?

Mr. COHN. I remember that the Senator went into some detail, which I won't go into here, about our investigation of the Government Printing Office, and used that to illustrate the fact that just how long it would be necessary for the committee to continue its investigation of Communist infiltration in the Army, how it came about, and who was responsible for it, would depend to a large degree on the cooperation received from Mr. Stevens and Mr. Adams, on the house-cleaning job which they themselves did, not only in getting out Communists and security risks, but in getting out the people who had allowed these Communists and security risks to stay in sensitive posts during a period of time.

I remember the Senator was asked, "Will the investigation go on forever?"

The Senator said, "Of course it won't go on forever. The sooner it is over—we have other things to do, too—the happier I will be." Words to the effect, "It is impossible now to set any kind of a time limit on it. We have to see how things go, what results are obtained, what kind of a housecleaning job you people do."

That was the substance of that conversation.

Mr. JENKINS. That is October 13?

Mr. COHN. I believe that was October 13, the day Mr. Stevens had come up to talk to the Senator.

Mr. JENKINS. Now we pass to the 14th of October.

Mr. COHN. Yes.

Mr. JENKINS. I will ask you to tell the committee what was said and done on that occasion, on that date, by the Secretary or by Mr. Adams.

Mr. COHN. Sir, there were two what I would call very significant incidents on the 14th of October.

Mr. JENKINS. Will you please relate those now, Mr. Cohn?

Mr. COHN. Yes, sir.

First of all, as to physical presence, we had three sessions that day—morning, afternoon, and night. Mr. Stevens was present during part of the morning session. He then left and went someplace else. Mr. Adams I believe was present during all three executive sessions of the subcommittee, morning, afternoon, and night.

The two significant incidents, Mr. Jenkins, are these:

For the first one, I have to go back briefly to Aaron Coleman, because that is what it was about. As I told you, back in the spring we found that Aaron Coleman was still working at Monmouth. We found from the public record that this Aaron Coleman had been a friend and associate of the convicted atom spy, Julius Rosenberg. We had received reliable information that Aaron Coleman had participated in Communist activity along with Rosenberg, and that this man was still at Monmouth.

Now, with reference to October 14, we had found out something else, too. We had been told reliably that this same Aaron Coleman, the man who had been the friend and associate of Rosenberg, who had gone to this Communist meeting with him, had taken papers, documents, secret documents, from the Army radar laboratories at Fort Monmouth while occupying a very important, sensitive post there dealing with the secret radar anti-aircraft program. We had been told specifically, Mr. Jenkins, that one afternoon a number of years before, Coleman, while leaving the laboratory, I believe some paper had slipped out from a pocket in his coat. That paper was retrieved by a security guard. The guard looked at it and found it to be a secret or classified radar document. The guard immediately reported to his superiors the fact that Mr. Coleman had—a paper dropped out of Mr. Coleman's pocket when he was leaving the laboratory, and that that paper turned out to be a secret document bearing on important radar work.

Mr. JENKINS. Did those facts develop to be true?

Mr. COHN. Yes, and it is important with reference to an incident which took place on October 14, and I am going to try to tie that right in, Mr. Jenkins.

Mr. JENKINS. Very well.

Mr. COHN. Those facts did develop to be true.

The next step was this: After the report was made, after the security guard picked up this document which dropped out of Coleman's pocket, as I recall it—I might be wrong on an occasional detail—Mr. Coleman, with the security guard, went to his superiors in the security and G-2 setup at Fort Monmouth. He told the chief security officer at Fort Monmouth that this man, Aaron Coleman, while leaving the laboratory had apparently had on his person a secret document, the document had fallen out of his pocket, and there it was.

The security officer then sent for Mr. Coleman and confronted him and said to him words to the effect, "Mr. Coleman, isn't it a fact that you have been removing from this laboratory secret radar documents, and that at your home at this very time you have put away, stashed away, secret radar documents which you have taken from the laboratory?"

The testimony under oath before this committee by the security officer was that Mr. Coleman lied and denied that he had any secret radar or classified radar documents at his home, denied that he had taken them from the laboratory to his home and that they were then in his home; that gradually he retreated from his denial until he made enough of an admission to warrant the security officer in authorizing a raid by Army intelligence officers on Coleman's home.

The raid took place, sir, and in the course of that raid some 43 secret and otherwise classified radar documents were found in a bureau drawer in Coleman's home—enough, by the way, I believe, according to Coleman's own admission, to give a complete picture of the advances by this country in radar defense up to a certain period. I believe that was in 1946.

Now, sir, at that time in September these facts had come to our attention. We did not know them to be facts, but we had reliable information. Therefore, we went down physically to Fort Monmouth, and we asked to see Aaron Coleman's personnel file, which is available to us or to any congressional committee.

Mr. JENKINS. Can you give the date of that visit?

Mr. COHN. That was very early in October, sir. I would say that was about October—

Mr. JENKINS. It was prior to October 14?

Mr. COHN. Well prior. I would say the 3d or the 4th of October. It was a Saturday morning. We went down to Fort Monmouth and we asked to see Coleman's personnel file. I might say we were entitled to see it. It was displayed to us by somebody under General Lawton's jurisdiction. We looked over that file. It was a lengthy file. In that file we found documentary proof that what we had heard about Coleman taking these documents from the secret laboratories to his home was true. We found a report by Army intelligence in the Coleman personnel file corroborating the facts which we had learned and indicating that Coleman in fact had been caught with these documents in a bureau drawer in his home during a raid by Army intelligence. We found the further fact that in spite of this and in spite of what we knew to have been Coleman's close relationship with atom spy Julius Rosenberg and participation in Communist activities to some degree with Julius Rosenberg, in spite of



those two facts, the association with Rosenberg, the attendance at the Communist meeting, and the taking of documents from the laboratory, that Aaron Coleman had been allowed to continue his work at Fort Monmouth and was in fact still at Fort Monmouth when our investigation began.

We thought, Mr. Jenkins, that this was so important that we made a verbatim copy—we took a pad of paper and copied word for word the documents in the Coleman personnel file which proved these facts.

We then asked if we could take the file with us.

Mr. JENKINS. Were those facts available at that time and had they been available to the Secretary of the Army?

Mr. COHN. They were in an Army file, sir.

Mr. JENKINS. Very well.

Mr. COHN. Yes, of course they were available.

Mr. JENKINS. Very well.

Mr. COHN. Now, we first, I believe, asked if we could take the file with us. They told us no, we couldn't take the file with us because that would leave them without any record of the file, that what would happen was that they would have the file photostated and have a photostatic copy of the file transmitted to us through the Pentagon. That was perfectly agreeable. We didn't care whether we had the original paper or a photostatic copy. So we copied out, we copied out, unbeknown to them, I believe, although there was nothing wrong in it, certainly, we copied out the particular portion of the file which showed that Coleman's home had been raided and that the secret documents had been found in a bureau drawer.

Mr. JENKINS. Did you come in contact with General Lawton on that occasion, Mr. Cohn?

Mr. COHN. I did not, sir. I came in contact with two of the members of General Lawton's staff, a Colonel Rubin, I believe, and another gentleman who is in charge of the file room. He has the same name as somebody else in this case.

Mr. JENKINS. Was it later that you came in contact with General Lawton and worked with him in your investigation of Fort Monmouth?

Mr. COHN. Yes, sir. I had never met the general. The way that day ends is that we had made this copy of that part of the file which to us was so very significant and they had promised to send us the photostat of the complete file through the Pentagon.

Mr. JENKINS. That is early in October you are talking about?

Mr. COHN. Early in October. Now, sir, we kept pressing Mr. Adams for that file. We kept asking, "Where is the photostat of his Coleman personnel file? We need it. We need it badly."

We finally got it from Mr. Adams, I believe on the 13th of October, although it might have been prior to that. But anyway, sir, on the morning of the 14th of October, Aaron Coleman himself was a witness before the subcommittee.

Mr. JENKINS. At that time, had you procured from Mr. Adams this file on Coleman?

Mr. COHN. Well, we thought we had the file. He gave us what purported to be the file.

Mr. JENKINS. Very well.



Mr. COHN. I had that file in front of me. I gave it over to Senator McCarthy. He was interrogating Coleman, questioning Coleman, under oath. Mr. Stevens was sitting there and Mr. Adams was sitting there. I remember that Senator McCarthy turned to me. First we covered the Rosenberg-Coleman connections and Rosenberg's positions at Fort Monmouth. Senator McCarthy then turned to me and said words to the effect, "Give me that file." I gave him the file and he said, "Now show me where these documents are that show that Coleman was caught with secret radar documents in his home and in spite of that fact they let him stay right on at Fort Monmouth for a period of years."

Mr. JENKINS. Did you say forty-odd documents?

Mr. COHN. I believe the number was 43. Senator McCarthy said, "Show me where it is in the file." He was about to ask Coleman some questions about it. I said it is in such and such section and I pointed to where it was. He kept going through it and he said, "It is not here." I kept saying, "It is there, it must be there."

Then he gave me the file. Then I remember there was a little bit of excitement and 2 or 3 staff members started going through the file. It was a voluminous file, with two sides to it, each one with a lot of papers in it, and we kept going through it, and Senator McCarthy kept saying, "Where are the papers; where are the papers?" And we couldn't find them. It had become rather embarrassing at that point and I went over to Mr. Adams and I said, "John, there is something wrong here."

Mr. JENKINS. Who had given you the file?

Mr. COHN. As I recall it, Mr. Adams had given it to us or it had come from Mr. Adams' office. I don't remember him personally handing it to us. We got a lot of files from them. They came from John or somebody in his office working under his control.

Anyway, I went over to Mr. Adams, I think it was, and some of the people working with him, and I said, "There is something wrong here. There is something missing from this file."

I was first told that there was nothing missing from the file. One of the staff members, I think it was Jim—

Mr. JENKINS. You are talking about Jim Juliana?

Mr. COHN. Yes. I think it was Jim Juliana. He had been down at Monmouth and I think it was Jim who had made the copy of that paper we had made from the file. He went upstairs and got his notes and he came down with the verbatim copy of what had been in the files when we last looked at them, and there it was. I then took that over to some of the Army people and I said, "This paper was in the file when we saw the file up at Fort Monmouth. Would you please show me where it is now."

Mr. JENKINS. To whom were you talking, Mr. Cohn?

Mr. COHN. I think it was Mr. Adams, sir, although I have no clear recollection that it was.

Mr. JENKINS. You say both Mr. Adams and the Secretary was there?

Mr. COHN. Yes. It was not the Secretary.

Mr. JENKINS. But he was there and present?

Mr. COHN. Yes.

Mr. JENKINS. Very well.

Mr. COHN. The Army people did some thumbing through the file and they did not look through it too long and then they said, "Well, it is not there."

Mr. JENKINS. Who said that?

Mr. COHN. I don't recall. It was either Mr. Adams or one of his people.

Mr. JENKINS. Well, why did they say it wasn't there?

Mr. COHN. At that time, sir, I don't know if they did tell us why it wasn't there. They said that there must have been some mistake, there must be something wrong, but it wasn't there. They asked me if I were sure that the papers had originally been there, couldn't I be mistaken. I told them that I could not be mistaken.

Senator MUNDT. The hour of 12:30 having arrived, we will stand in recess until 2 o'clock this afternoon.

(Whereupon, at 12:30 p. m., the committee was recessed, to reconvene at 2 p. m. the same day.)

# APPENDIX

## EXHIBITS

No. 26

MARCH 1950.

### COMMUNIST INFILTRATION OF THE AMERICAN ARMED FORCES

There are more than a thousand Communists in the Armed Forces of the United States today, prepared to carry on espionage, sabotage, and any kind of disruptive activities during all-out war between the Soviet Union and this country. Additional hundreds are in the National Guard and at least several hundred hold commissions as Reserve officers.

I was the first national director of the Communist apparatus for infiltrating the American Armed Forces, and throughout the next decade I remained connected with this secret work as a consultant and the party's chief expert in that field. Under the direct supervision of the Communist International and the Red army general staff I set up the special department for these activities. During the first year of operations, 1928-29, about two dozen carefully selected agents were sent into the Army and Navy, and more than 200 into the National Guard.

In the fall of 1927, Nassonov, a leader in the Russian Communist Party and a Comintern representative in this country, selected me to head the national department for infiltrating all branches of the Armed Forces. Technically, I headed a joint commission of the Communist Party and its subsidiary youth organization, the Young Communist League. After I was selected for the job by Nassonov, my official assignment by the Politburo and appropriation of funds were only formalities.

I was in charge of a commission and director of a field of work never before undertaken by the Communist Party in this country, although in France and some other countries considerable progress already had been made.

How should we start our work? How many Communists should be assigned to join the Army and Navy? Should they enlist for service in the Philippines, Hawaii, Alaska, Panama, or the mainland? What efforts should be made in the National Guard and ROTC? Once in the Armed Forces, what methods should be employed to carry on activities and at the same time avoid detection by military intelligence? Should military training be given in Communist schools? If so, where should we obtain instructors and equipment? These were but a few of many questions I asked Nassonov.

The Comintern representative could give no positive answers. It was a new field, even for Moscow. The Communist International had decided that the armed forces of all capitalist countries should be infiltrated and the soldiers won over to the side of the Soviet Union and the world Communist revolution. The French Communists had taken the initiative and worked out their own methods. There were no official Communist books giving the line, no detailed political blueprints. Nassonov said that I should go to Moscow and meet with the Red army general staff, the military department of the Communist Party of the Soviet Union, and with the executive committee of the Communist International. It was a timely moment for such a trip, for during the first 3 months of 1928 there were to be held in succession enlarged meetings of the executive committees of the Communist International and Young Communist International and a world congress of the Red International of Trade Unions.

I arrived in the Soviet Union about Christmas 1927 and returned to the United States about May 1, 1928. I was on the payroll of the Communist International while in the Soviet Union, and the Comintern also paid my fare and other expenses for return trip to the United States.



A few days after arriving in Moscow I had my first meeting with members of the top command of the Red army. It was held in the Lux Hotel apartment of Nassonov, the Comintern representative who had not yet returned to Moscow from the United States. Mrs. Nassonov was present at my meeting with three Red army general staff officers (one of them Marshal Tukhachevsky) and an interpreter.

I was asked to give a general report on the American Army, especially its composition, routine life in the barracks, possible grievances as basis for agitation and propaganda. Also, my report included the strength of the Communist Party and its youth organization, the Young Communist League, in the United States, and our tentative plans for work in the Armed Forces. I concluded by placing before the Red army officers the problems I had previously discussed with Nassonov in New York. The general staff members then asked a number of detailed questions.

Marshal Tukhachevsky was the first of the Red army officers to speak. He said the very rough and tentative plan I had submitted did not provide for concentration, that it would scatter the energy of the movement. He said it was fortunate (from the Communist point of view) that soldiers could select any geographical area for service when they enlist. The main consideration in determining concentration points is the vital importance of the area to national defense during war. America's most vital spot, he said, is Panama and the canal there. Therefore, Panama should be the first concentration point and several carefully selected and capable Communists should join this army for service there. The other Red commanders agreed with this. They also pointed out the need of building a civilian Communist Party in the Republic of Panama and in nearby countries (Costa Rica and Colombia). The second area for concentration should be Hawaii, military and naval key to the Pacific. The third point for concentration should be Army posts around the port cities of New York and San Francisco. At first, only relatively small and carefully selected personnel were to be sent into the Army and Navy, with greatest precautions to protect the Communists from detection by military intelligence. The general staff, they said, had made a careful study of means of communications and methods for secret activities in Army and Navy units based on experiences of the French Communists, pioneers in this field. This data would be placed at my disposal for careful study before my return to the United States.

Regarding the National Guard, the Red army commanders suggested a somewhat different approach. There should be mass enlistments by hundreds of Communists. The objectives of the Communists in the National Guard should be: (1) Obtain as much military knowledge and training at the expense of the American Government as possible; (2) recruit other guardsmen and form Communist units in as many places as possible; (3) carry on agitation on any grievances that could be found and seek to disrupt discipline. The ROTC also was regarded as important, and Communist students should enlist in it with the long-range perspective of becoming Army officers and reaching important positions.

The Red army officers were unanimous in opposition to any extensive military training in schools operated by the Communist Party and Young Communist League in the United States—to anything beyond marching formation and tactics in street riots and hand-to-hand fighting with police. We would not have the rifles, machine guns, and other equipment, and few qualified instructors. It would attract the attention of authorities and cause them to crack down on the party. "And why give second- or third-rate training when you can get the best from the American Government, at their expense?" asked one of the officers. "Send your members into the National Guard and the ROTC and let the enemy pay for the training."

The Red army commanders told me that American as well as other foreign students at the Lenin School in Moscow already were receiving some military instruction under Soviet military officials. (On subsequent visits to the Lenin School I saw American and Soviet machine guns and military equipment from many countries used for instruction purposes under supervision of Red army officers.) They said that they would see that the amount of training was increased. We discussed the possibility of thorough training at the Frunze Military Academy of a few selected American Communist leaders who could furnish capable military leadership during future revolutionary outbreaks in the United States. Possible training for me at the academy was discussed. The general staff members agreed in principle, with details to be worked out in the future. Regarding my own work they said it was more important for me to

return to the United States soon and get actual operations under way. While in Moscow I could study considerable material, translated into English or French, dealing with methods of civil war, revolutionary outbreaks, and sabotage. Also, they said I should lecture at the Frunze academy on the class composition of the American Army, possible grievances, and my estimate of possibilities of Red infiltration in military establishments. (All of these were done while I was in the Soviet Union.)

The most basic shortcoming in my report and draft plan, according to the Red army commanders, was that I had completely neglected the Navy yards and civilian workers in munition and chemical industries. How could we expect to carry on effective sabotage during war if we did not have Communists working there? It was agreed that this should be made an important part of the military activities of the American Communists and that we would assign carefully selected members to get jobs in those industries and establish joint units of the party and Young Communist League in them. (The Brooklyn Navy Yard was one of many places where such joint units were established under my direction after return to the United States.)

The historic meeting in Nassonov's Lux Hotel apartment was the first of many important conferences, with weeks of intensive work over the 3 months to follow. A few days later I began my participation in a "plenum" of the executive committee of the Communist International. Other Americans present were J. Louis Engdahl and Sam Darcy. At that time Darcy was the head of the international childrens' bureau of the Communist movement, directing the groups known as Pioneers—where even grammar school students were recruited for the Red cause. At the Communist International meetings I met such leaders as Nikolai Bukharin, member of the Soviet Politburo and then head of the Comintern; Lenin's widow, Krupskaya; Solomon Losovsky; V. M. Molotov; Georgi Malenkov; Clara Zetkin; Sen Katayama; Jim Larkin of Ireland; Harry Pollitt, William Gallacher, and William Rust, the three top leaders of the Communist Party of Great Britain; and other Communist officials from practically every country in the world—Doriat, Thorez, Gottwald, Lezliatti, etc.

The Comintern plenum was followed immediately by a meeting of the executive committee of the Young Communist International, where Sam Darcy and I represented the American Communist Youth. I was elected by the executive committee to represent the Young Communist International at the 10th anniversary celebrations of the Red army. The YCI had adopted the Budenny Division, the Red army's crack cavalry outfit. I traveled to Tambov, near the Volga, where this division was stationed. At the celebration I was made an honorary regimental commander of the Red army. Dressed in Soviet military uniform, I stood with the commanding general and high Government officials as the soldiers marched in review, then addressed the division. I assured the Russians that when the inevitable war comes between the United States, backed by other capitalist countries, and the Soviet Union, American Communists would do everything possible to turn the imperialist war into a civil war and insure the victory of the Soviet Union and the world revolution. (Pictures of me in my Red army officer's uniform appeared in the Daily Worker of May 1, 1928, and on many other dates.)

One day while I was on the target range with the officers, the commanding general of the division asked me a number of questions about the American Springfield rifle and its value compared to the somewhat longer and heavier Soviet rifles then in use. Then, he said: "We are not as much interested in what kind of guns you have as on which side you are going to use them when war comes between the Soviet Union and the United States."

In March I participated in another worldwide gathering of Communist leaders—the congress of the Red International of Trade Unions. Several important events of far-reaching consequence took place there. Proposals by George Mink from the United States to give far more intensive concentration on the maritime industry and provide financial subsidies for American and other parties for work in this field were adopted. This was the origin of Harry Bridges' powerful machine and of similar Communist organizations on the waterfront and among sailors throughout the world. (Mink became an agent of the OGPU before his return to the United States and in later years became notorious as its expert in assassinations and murders.) Another important event was the formulation of plans for creating the Communist Party of the Philippines. Two Filipinos, Evangelists and Manahan, attended the congress. George Mink, James S. Allen, and I were assigned to work with them and prepare detailed plans for creating a Communist Party in the islands. Subsequently, Allen went to the



Philippine Islands as Comintern representative, and later worked for the Institute of Pacific Relations (one of many important Communists to be connected with that organization).

In the meantime, I had practically completed my work on a very important Comintern commission set up to work out the political line and organizational plans for work in the armed forces of capitalist countries. The commission was composed of five members, headed by Barbe, general secretary of the Young Communist League of France. The other members of the commission were from Poland, Greece, and Czechoslovakia. French was the one language spoken by all of the five members so it became the official language of the commission.

The experiences of the French Communists proved of great value in drafting political and organizational blueprints for the world. Barbe reported that the French Reds had secret units on more than 100 vessels of the Navy and scores of branches throughout the Army. He showed us many printed papers and other agitational material the French Communists had prepared for distribution in the Armed Forces.

Before coming to Moscow I had prepared draft demands for servicemen. With few changes in formulation these had been given the O. K. of the Red army general staff officers, and now they were adopted by our commission as part of the material to go into the resolutions for formal ratification by the coming Sixth World Congress of the Communist International—held later in the year. The demands I drafted are found on page 45 of *The Struggle Against Imperialist War and the Tasks of the Communists*, adopted by the Sixth World Congress. This very important and revealing document was based almost in its entirety on the material drawn up by my associates and me on the commission during the winter of 1928.

The key to Communist policy can be found in the following quotations, all drafted by our commission:

"The proletariat in the imperialist countries must not only fight for the defeat of their own governments in this war, but must actively strive to secure victory for the Soviet Union \* \* \* The Red army is not an 'enemy' army, but the army of the international proletariat. In the event of a war against the Soviet Union, the workers in capitalist countries must not allow themselves to be scared from supporting the Red army and from expressing this support by fighting against their own bourgeoisie, by the charges of treason that the bourgeoisie may hurl against them (p. 31).

"\* \* \* The proletariat in the Soviet Union harbors no illusions as to the possibility of a durable peace with the imperialist \* \* \* the primary duty of the proletariat, as the fighter for socialism, is to make all the necessary political, economic, and military preparations for these wars, to strengthen its Red army—that mighty weapon of the proletariat—and to train the masses of the toilers in the art of war \* \* \* There is no \* \* \* contradiction \* \* \* between the Soviet Government's preparations for defense and for revolutionary war and a consistent peace policy. Revolutionary war of the proletarian dictatorship is but a continuation of revolutionary peace policy 'by other means'."

The last sentence contains the key for understanding the current peace offensives by the Communists throughout the world while the Red army prepares for world conquest—aided by Red quislings in all countries including our own.

Only a relatively small part of the work of the commission was suitable for publication in such open resolutions. Most of our time was devoted to practical and conspiratorial matters such as communications between the party apparatus and agents sent into armed forces, plans for disruptive agitation, sabotage in time of war, and other means for bringing victory to the Soviet Union and defeat and destruction to the United States and the capitalist world.

The commission was not left to itself during the course of our work. Bukharin, head of the Comintern, made frequent inquiries regarding our progress and sometimes sent recommendations on specific points. But the most important directives came during my meeting with the head of the military department of the Communist Party of the Soviet Union. (Malenkov took part in this conference. Khitarov, later world head of the YCI, was translator. He had just returned from China where he was Comintern representative.)

In 1928 the Communist International was housed in a relatively low and rather antique building just outside the Kremlin walls. The interior was a maze of corridors. By contrast, the Russian party headquarters were in a taller and more modern office building. There were even more security precautions and a greater number of armed guards than in the Comintern building—comparable to the Kremlin itself, which I had visited on one occasion. I not only had plenty

of documents, but my guide, escort, and translator was Khitarov, one of the most important Communist leaders in the Soviet Union. Also present was Stalin's secretary, Malenkov, then less important in the apparatus than Khitarov.

The importance of my work is well illustrated by the assignment of a high functionary like Khitarov to act as translator. He had recently returned from China, where he had been Comintern representative, and his reports had been highlights of the plenums of the Communist International and the YCL. About a year later he became president of the Young Communist International after its former head, Shatzkin, failed to remain in Stalin's confidence. Several Red army general staff officers were present and took part in this conference in party headquarters. I gave a detailed report on the work of the commission to that time. On most points there was no disagreement. There were a few detailed changes, and I was given instructions on additional matters to include. When I advised the chairman, Barbe, and other members of the commission of the views of the Russian party, they were, of course, accepted without discussion or question. In the Communist International the wish of the Communist Party of the Soviet Union is the final and supreme authority.

Some of my activities in the Soviet Union were of a propaganda nature, such as a speech over the Comintern radio station, speaking tours of many parts of the country, and articles in the Russian press. In the fall of 1927 I had been invited to be a guest of the Society for Cultural Relations while in the Soviet Union. As a former soldier of the American Army who had become a Communist, I was then a Red hero, singled out for prominent mention in revolutionary literature. That pageantry and pomp was unimportant. The really important work was my part in drafting plans for infiltration of American and other armies as part of the Soviet plan for world conquest.

Near the 1st of May 1928 I stepped from the *Isle de France* to the docks of New York. I brought instructions from Moscow destined to have far-reaching effects on the course of history.

#### No. 27

[From the Washington Times-Herald, September 3, 1953]

### SECURITY AID BARED AS RED IS SUSPENDED—ARMY ACTS ON DATA MCCARTHY DEVELOPED

(By Willard Edwards)

NEW YORK, September 2 (CTPS).—The Army Signal Corps Wednesday night suspended without pay a civilian employee assigned to guard secret military films, on the basis of evidence gathered by Senator McCarthy, Republican, of Wisconsin, that the worker was a supporter of Communist aims.

The action came as the accused man was reported to have issued a death threat to one of the witnesses against him.

Col. W. W. Lindsay, commanding officer of the New York section of the Army Signal Corps, one of the most sensitive military agencies, announced the action, which came on the third day of an inquiry by McCarthy's Senate investigating subcommittee into Red penetration of the Defense Department.

#### SOME TOP SECRET

The security guard has been working on the night shift, reporting at 4 p. m. daily. He passed on the admittance of all military and civilian personnel to vaults containing thousands of rolls of motion-picture film, ranging in security classification from restricted to top secret.

This ultra-secret branch of the Signal Corps, employing approximately 100 military and civilian workers, is located in Astoria, Queens, across the East River from Manhattan.

Army officers, questioned by McCarthy during the past 2 days, had been reluctant to admit the assignment of an individual with a pro-Communist record to a post which could have been used for espionage or to aid in espionage. Sworn testimony that the employee had predicted eventual Communist control of the United States finally convinced them. The man was notified of his suspension when he reported for work Wednesday afternoon.



## GETS RECORDS

Military authorities also said they were turning over to McCarthy the personnel records of two employees in the Quartermaster Corps here who have been identified at closed hearings as Communist Party members or followers. Both had access to confidential military records, according to the testimony, but no action has been taken in their cases thus far.

McCarthy was refused the loyalty files of the three Army employees on the contention of the Army witnesses that they were still operating under orders issued by President Truman in August 1948, at the height of the Alger Hiss investigation, forbidding congressional committees access to all security files. They said this order had never been revoked and they were still bound by it.

## MAY CALL CHIEFS

McCarthy said he would summon Defense Secretary Wilson and Army Secretary Stevens for an explanation of this refusal.

"Until we find out who cleared these individuals for Army employment, despite their record of Communist activities, we will not get to the bottom of this tragic situation," McCarthy remarked.

Witnesses at the closed session declared the Communist sympathies of the security guard at the secret film division of the Signal Corps had never been concealed.

He had declared himself 100 percent in sympathy with Communist aims, they testified, but had never actually joined the Communist Party because of his Government employment.

A woman witness, who said she had heard the security guard say that he looked forward to the day when Russia would subjugate the United States, was extremely nervous, McCarthy said. Under questioning, she said the Army worker had threatened to kill her if she testified against him. The subcommittee ordered the woman placed under police protection.

Confronted with evidence that he had signed pledges of support for the Communist Party candidacies for New York State offices of Robert Thompson, Israel Amter, and Benjamin Davis, the Army employee admitted this action. He denied Communist Party membership but when asked if he believed communism was good for the United States, he said he was unable to decide.

## ADMITS CONNECTION

Another witness, McCarthy said, whose endorsement helped the Signal Corps employee get his Army post, admitted his own Communist-front connections. He said he did not know whether the man he endorsed was a Communist or not.

# INDEX

	Page
Adams, John G.....	1564, 1565, 1582-1590, 1592-1594
Air Force (United States).....	1574
Alaska.....	1595
Allen, James S.....	1597
American Communist Youth.....	1597
Amter, Israel.....	1600
Armed Forces (Communist infiltration).....	1567, 1595, 1596
Army (United States).....	1561-1567, 1574-1576, 1578-1581, 1583-1586, 1588, 1589, 1591-1600
Army civilian personnel.....	1576
Army employment.....	1580
Army institutions.....	1576
Army Intelligence (G-2).....	1576, 1580, 1583, 1591
Army intelligence officers.....	1591
Army loyalty files.....	1600
Army officers.....	1596, 1599
Army personnel.....	1580
Army radar laboratories (Fort Monmouth).....	1578, 1584-1587, 1589-1593
Army Signal Corps.....	1577, 1579, 1580, 1599, 1600
Army witnesses.....	1600
Assistant Attorney General.....	1555
Assistant United States Attorney.....	1556
Astoria, Queens, N. Y.....	1599
Atom bomb secrets.....	1557
Atom spy.....	1557, 1558, 1576, 1577
Attorney General (United States).....	1555, 1556, 1575
Barbe.....	1598, 1599
Bentley, Elizabeth.....	1557
Bridges, Harry.....	1597
British Communist Party.....	1597
Brooklyn Navy Yard.....	1597
Brothman, Abraham.....	1557
Brownell, Attorney General.....	1575
Budenny Division.....	1597
Bukharin, Nikolai.....	1597, 1598
Carr, Francis P.....	1554, 1572, 1584
China.....	1598, 1599
Christmas (1927).....	1595
Civil Rights Congress.....	1558
Cohn, Roy M., testimony of.....	1554-1594
Coleman, Aaron.....	1576-1578, 1580, 1590-1593
Coleman personnel file.....	1592
Colombia.....	1593
Columbia University College.....	1555
Columbia University Law School.....	1555
Comintern.....	1595-1599
Comintern plenum.....	1597
Comintern radio station.....	1599
Commander in Chief.....	1574
Commerce Department official.....	1557
Communists .....	1555-1567, 1570-1577, 1578-1580, 1582-1586, 1588-1590, 1595-1600
Communists (U. S. Government).....	1561, 1562, 1578
Communist conspiracy.....	1557, 1559, 1561, 1566, 1567
Communist infiltration (United States).....	1560
Communist infiltration (U. S. Army).....	1562, 1566, 1567, 1570, 1579, 1583-1585, 1588, 1589, 1595

	Page
Communist International_____	1565, 1566, 1595, 1597-1599
Communist International (21 conditions of admission)_____	1565
Communist International (World Congress)_____	1598
Communist investigations_____	1561, 1578
Communist-line literature (Army)_____	1583
Communist Party_____	1555-1567, 1570-1577, 1578-1580, 1582-1586, 1588-1590, 1595-1600
Communist Party (first-string leaders)_____	1556, 1557
Communist Party (France)_____	1598
Communist Party (Government Printing Office)_____	1562-1564
Communist Party (Great Britain)_____	1597
Communist Party (Philippines)_____	1597
Communist Party (Russia)_____	1578, 1581, 1595, 1598, 1599
Communist Party (second-string leaders)_____	1558
Communist Party (Sixth World Congress)_____	1566
Communist Party (Third International)_____	1566
Communist Party (United States)_____	1556, 1558, 1559-1562, 1579, 1596, 1597
Communist petitions_____	1562
Communist records (New York)_____	1582
Communist revolution_____	1595
Communist schools_____	1595
Communist Sixth World Congress_____	1598
Communist spy ring_____	1557, 1558, 1584
Communist waterfront organizations_____	1597
Congress of the United States_____	1555
Costa Rica_____	1596
Court of Appeals (Connecticut)_____	1559
Court of Appeals (United States)_____	1557
Crouch, Paul_____	1570
CTPS_____	1599
Czechoslovakia_____	1598
Daily Worker_____	1559, 1597
Darcy, Sam_____	1597
Davis, Benjamin_____	1600
Democratic Party_____	1560, 1572, 1573, 1580
Department of the Army_____	1561-1567, 1574-1576, 1578-1581, 1583-1586, 1588, 1589, 1591-1600
Department of Commerce official_____	1557
Department of Defense_____	1599
Department of Justice_____	1555
Doriat_____	1597
East River (New York City)_____	1599
Edwards, Willard_____	1580, 1599
Eisenhower, President_____	1566
Engdahl, J. Louis_____	1597
Evangelists_____	1597
Federal Bureau of Investigation (FBI)_____	1556, 1557, 1561, 1573, 1578, 1585
Federal employees_____	1575
Federal grand jury (New York)_____	1558
Field, Frederick Vanderbilt_____	1558, 1559
Filing system (State Department)_____	1562
First-string leaders (Communist Party)_____	1556, 1557
Foley Square (New York City)_____	1578, 1588
Fort Monmouth, N. J._____	1565, 1576-1592
Fort Monmouth radar laboratories_____	1578, 1584-1587, 1589-1593
Foster, William Z._____	1557
French Communists_____	1595, 1596, 1598
Frunze Military Academy_____	1596, 1597
G-2 (Army Intelligence)_____	1576, 1580, 1583, 1591
Gallacher, William_____	1597
Gasder's restaurant (New York City)_____	1588
General staff (Red army)_____	1595, 1596, 1599
Gold, Harry_____	1557, 1558
Gold-Rosenberg spy ring_____	1557
Gottwald_____	1597
Government Printing Office_____	1562-1564, 1578, 1589



	Page
Government Printing Office (Loyalty Board)-----	1564, 1565
Grand jury investigation (1948)-----	1557
Greece-----	1598
Green, Abner-----	1553
Hammett, Dashiell-----	1558
Hawaii-----	1595, 1596
Hiss, Alger-----	1575
Hoover, J. Edgar-----	1574, 1575
Hotel Lux (Moscow)-----	1596, 1597
Immigration and Naturalization Service-----	1570
Institute of Pacific Relations-----	1598
International children's bureau (Communist Party)-----	1597
Ireland-----	1597
<i>Isle de France</i> (ship)-----	1599
Juliana, Jim-----	1593
Justice Department-----	1555
Katayama, Sen-----	1597
Kauffman, Judge Irving-----	1577
Khitarov-----	1598, 1599
Kremlin-----	1598
Krupskaya-----	1597
Larkin, Jim-----	1597
Lawton, General-----	1592
Lenin-----	1559, 1596, 1597
Lenin School (Moscow)-----	1596
Lenin's widow-----	1597
Lindsay, Col. W. W.-----	1599
Losovsky, Solomon-----	1597
Loyalty Board-----	1580
Loyalty Board (Government Printing Office)-----	1564, 1565
Loyalty files (Army)-----	1600
Lozliatti-----	1597
Lux Hotel (Moscow)-----	1596, 1597
Malenkov, Georgi-----	1597-1599
Manahan-----	1597
Manhattan (New York City)-----	1599
Marx, Karl-----	1559
Marxist-Leninist literature-----	1559
McCarthy, Senator Joe-----	1555,
1556, 1560-1569, 1571-1575, 1578, 1580-1584, 1586-1588, 1590, 1593,	
1599, 1600.	
McGranery, Attorney General-----	1556
Medina, Judge-----	1556-1558
Merchants Club (New York City)-----	1583
Mink, George-----	1597
Molotov, V. M.-----	1597
Moscow-----	1595-1599
Moskowitz, Miriam-----	1557
Nassonov-----	1595-1596
National Guard (United States)-----	1595, 1596
Navy (United States)-----	1563, 1574, 1595, 1596
New York City-----	1556-1558, 1578, 1580, 1582-1584, 1586-1588, 1596, 1599
New York Federal grand jury-----	1558
New York State-----	1600
OGPU-----	1597
Pacific-----	1596
Panama-----	1595, 1596
Pentagon-----	1592
Philippine Communist Party-----	1597
Philippines-----	1595, 1598
Poland-----	1598
Politburo-----	1595, 1597
Pollitt, Harry-----	1597
President of the United States-----	1564, 1566, 1573, 1576
Presidential directive-----	1564, 1566, 1573
Pro-Communist literature-----	1580

	Page
Quartermaster Corps-----	1600
Radar antiaircraft program-----	1590, 1591
Radar laboratories (Fort Monmouth)-----	1578, 1584-1587, 1589-1593
Red army-----	1595-1599
Red army general staff-----	1595, 1596, 1599
Red army officers-----	1596, 1597
Red International of Trade Unions-----	1595, 1597
Red quislings-----	1598
Remington, William W-----	1557, 1570
Remington trial-----	1570
Republican colleagues-----	1575
Roosevelt, Franklin D-----	1576
Rosenberg, Ethel-----	1557, 1558, 1576
Rosenberg, Julius-----	1557, 1558, 1576-1578, 1590, 1591, 1593
Rosenberg case-----	1557
ROTC-----	1595, 1596
Rothchild, Edward-----	1563
Rules of the Senate-----	1561
Russian Communist Party-----	1578, 1581, 1595, 1598, 1599
Russian espionage agents-----	1578
Russian press-----	1599
Russians-----	1581, 1597, 1600
Rust, William-----	1597
San Francisco-----	1596
Schine, G. David-----	1583, 1589
Second-string leaders (Communist Party)-----	1558
Secret film division (Signal Corps)-----	1600
Secret radar documents-----	1591, 1593
Secretary of the Army-----	1564, 1565, 1577, 1579-1590, 1593, 1600
Secretary of Defense-----	1600
Security Aid Bared as Red Is Suspended (newspaper article)-----	1599
Senate rules-----	1561
Senate of the United States-----	1561, 1562
Shatzkin-----	1599
Signal Corps (U. S. Army)-----	1577, 1579, 1580, 1599, 1600
Signal Corps secret film division-----	1600
Sixth World Congress (Communist Party)-----	1566, 1598
Slack, Alfred-----	1558
Smith Act-----	1557
Sobell, Morton-----	1557
Society for Cultural Relations-----	1599
Soviet military uniform-----	1597
Soviet Union-----	1557, 1595, 1597-1599
Springfield rifle-----	1597
Stalin-----	1598
State Department-----	1562
State Department filing system-----	1562
Stevens, Robert T-----	1564, 1565, 1577, 1579-1590, 1593, 1600
Struggle Against Imperialist War and the Tasks of the Communists-----	1598
Supreme Court of the United States-----	1558, 1576, 1579
Sussman, Nathan-----	1578
Symington, Senator-----	1575
Tambov-----	1597
Third International (Communist Party)-----	1566
Thompson, Robert-----	1600
Thorez-----	1597
Title 18 (United States Code)-----	1560
Treason in Government-----	1573
Tukhachevsky, Marshal-----	1596
TV audience-----	1558
Twenty-one Conditions of Admission (Communist International)-----	1565
United States Air Force-----	1574
United States Army-----	1561-1567, 1574-1576, 1578-1581, 1583-1586, 1588, 1589, 1591-1600
United States Army Signal Corps-----	1577, 1579, 1580, 1599, 1600
United States Assistant Attorney General-----	1555

	Page
United States attorney_____	1556
United States Attorney General_____	1555, 1556, 1575
United States Code (title 18)_____	1560
United States Congress_____	1555
United States Court of Appeals_____	1557
United States Court of Appeals (Connecticut)_____	1559
United States courthouse (New York City)_____	1578
United States Department of Commerce official_____	1557
United States Department of Defense_____	1599
United States Department of Justice_____	1555
United States district attorney (New York)_____	1555
United States Federal Bureau of Investigation (FBI)_____	1556,
	1557, 1561, 1573, 1578, 1585
United States Department of State_____	1562
United States Government Printing Office_____	1562-1564, 1578, 1589
United States Immigration and Naturalization Service_____	1570
United States Military Establishment_____	1570
United States National Guard_____	1595, 1596
United States Navy_____	1563, 1574, 1595, 1596
United States President_____	1564, 1566, 1573, 1576
United States Quartermaster Corps_____	1600
United States Senate_____	1561, 1562
United States Supreme Court_____	1558
United States War Department_____	1576
Voice of America (hearings)_____	1562
Volga (river)_____	1597
War Department (United States)_____	1576
Washington, D. C._____	1555, 1556, 1560, 1578, 1586
Washington Times-Herald_____	1580, 1599
West Palm Beach_____	1586
Wilson, Secretary of Defense_____	1600
World Congress (Communist International)_____	1598
Young Communist International (YCI)_____	1595, 1597, 1599
Young Communist League_____	1578, 1595, 1596, 1598
Young Communist League of France_____	1598
Zetkin, Clara_____	1597











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SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

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HEARING  
BEFORE THE  
SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE  
EIGHTY-THIRD CONGRESS  
SECOND SESSION  
PURSUANT TO  
**S. Res. 189**

PART 43

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# CONTENTS

Appendix.....	Page
Index.....	1651
Testimony of—	1653a
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on In-	
vestigations.....	1602

## EXHIBITS

	<i>Introduced on page</i>	<i>Appears on page</i>
28. Excerpt from New York Herald Tribune, November 6, 1953..	1624	1651
28. Excerpt from Washington Times Herald, November 6, 1953..	1624	1652





SPECIAL SENATE INVESTIGATION ON CHARGES AND  
COUNTERCHARGES INVOLVING: SECRETARY OF THE  
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE  
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,  
AND FRANCIS P. CARR

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THURSDAY, MAY 27, 1954

UNITED STATES SENATE,  
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

AFTER RECESS

(The hearing was resumed at 2:15 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota (chairman); Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will come to order.

The temporary confusion at the table was the turning over of the monitored transcripts to Mr. Sol Horowitz of the committee staff, who has accepted them in behalf of Mr. Jenkins.

The committee will come to order. The Chair would like to begin, as is his custom, by welcoming our guests to the committee room. You seem to be here in unusually large numbers today, and consequently this admonition perhaps should be voiced in even sterner tones, to caution you that we have a standing rule of the committee that there are to be no manifestations of approval or disapproval at any time during the course of the hearing. The uniformed officers and the plain-clothes men in the audience have instructions from the committee to remove immediately from the room, without any further notice from the Chair, any of our guests who violate the terms by which you entered the room, namely, to refrain from audible manifestations of approval or disapproval. They will remove you politely but it will

be done immediately, and we hope it will not be necessary, and I hope it will not.

As we concluded the morning session, Counsel Jenkins was engaged in the direct examination of Roy Cohn, and Counsel Jenkins will continue now with his direct examination.

When that is concluded, be it this afternoon or tomorrow morning, he will then take off his hat and begin the cross-examination in his dual role of Dr. Jekyll and Mr. Hyde.

Mr. Jenkins?

#### TESTIMONY OF ROY M. COHN—Resumed

Mr. JENKINS. Mr. Cohn, when we recessed for the noon hour, I was examining you with respect to the events of October 14, at which time you, together with certain members of your staff, were with the Secretary of the Army and Mr. Adams.

As I recall, you had recounted in some detail—and I am not sure whether you had concluded or not—certain events leading up to the meeting of October 14 which you said lent significance to the two events of October 14. Had or not you concluded recounting those events?

Mr. COHN. Not quite, sir. I think I was about to conclude the file stripping incident. If I might continue that.

Mr. JENKINS. I will ask you, Mr. Cohn, now to conclude the statements you were making at the time this committee recessed.

Mr. COHN. Yes, sir. Anyway, it became very apparent that the Coleman file had been stripped, and stripped of the very information which we wanted, between the time we had seen it out at Fort Monmouth and the time Mr. Adams or a member of his staff—I think it was Mr. Adams himself—had delivered it to our staff for use in the course of the executive session.

We took the matter up with the Army right then and there after it became clear that the material had been stripped from the file.

Mr. JENKINS. With whom specifically did you take it up, Mr. Cohn?

Mr. COHN. I am almost positive I went over and talked with Mr. Adams, Mr. Jenkins.

Mr. JENKINS. Very well.

Mr. COHN. And Mr. Adams—I don't know how much he said. I told him the material was just missing from the file—period. We had a copy of it. We knew it had been in there and it wasn't there now.

I went back and reported to Senator McCarthy. The Senator was considerably disturbed about it. And he asked me to make a statement for the record in the presence of Secretary Stevens and Mr. Adams indicating that the committee had been imposed upon to the extent that vital information in the Coleman case which had been in the file had been stripped by somebody in the Army before the photostatic copy was delivered to us.

I made that statement at Senator McCarthy's direction, sir. It is short and it follows. I am reading from page 642 of the minutes of that date.

Mr. COHN.—

By the way, Aaron Coleman was on the stand. I was addressing myself at the Senator's direction to Secretary Stevens:

Mr. Secretary, we want to call your attention to the fact that at this time we were down in Monmouth and the Army made available, as it has and as have all Government agencies, the personnel files, not the loyalty and security files, but the personnel files of various people under investigation. We examined the file of Mr. Coleman and took copious notes from it, and as a matter of fact, some documents were of very great interest and we made verbatim copies of them. Instead of taking the files with us and bringing them back here, they asked us over at Monmouth if we would let them make photostats and they would have their records complete. We agreed to that, and when the photostats arrived we found the files had been stripped of some of the most relevant documents. It so happens that some of the documents of which we had made verbatim copies were missing. We wanted to call that to your attention. In the case of the Coleman file there had been removed from it all papers indicating the search of his home by the Security and Intelligence Division and the fact that he had been suspended and the fact that these classified documents had been removed by him from the Evans Signal Laboratory and found in his home.

I might say with reference to the word "suspended," after Coleman took these documents they suspended him for 10 days and then put him right back where he was in the secret radar laboratories. So I made that statement, Mr. Jenkins, to Mr. Stevens and Mr. Adams on October 14 at the direction of Senator McCarthy.

Mr. JENKINS. Before getting away from Coleman, you say that he was suspended for 10 days and then reinstated. Was he later suspended?

Mr. COHN. He was suspended after our investigation had commenced.

I might say, Mr. Jenkins, there is an awful lot of detail on that case. There had been an attempt, a recommendation, as I understand it, by the security officer at Monmouth on more than one occasion to have Coleman suspended which had been rejected until General Lawton came along and removed his security clearance, until he was finally suspended.

Mr. JENKINS. Mr. Cohn, did you release to the press the statement you have just read from a memoranda or file?

Mr. COHN. We did not on that occasion, sir.

Mr. JENKINS. But you did release it to the Secretary of the Army?

Mr. COHN. Yes.

Mr. JENKINS. And Mr. Adams?

Mr. COHN. Yes. Senator McCarthy wanted it to be right on the record and wanted them to know that we were making a record of the fact that this file which had been represented as a complete file, had been stripped and stripped of just what we wanted.

Mr. JENKINS. In short, was it the Senator's position at the time that he had been handed a phony document?

Mr. COHN. I guess that is about it, sir. What we wanted was out of the file.

Mr. JENKINS. What explanation did Mr. Adams or Mr. Stevens or anyone else connected with the Army give you with respect to the alleged stripping of that file on Coleman?

Mr. COHN. As I recall, at that time Mr. Stevens said nothing. I don't think he ever said anything about it. Mr. Adams talked to us afterward, I think a day or so later, and said that the file had been stripped in his office by some of, you may call them, subordinate Indians, by some of his subordinate Indians.

Mr. JENKINS. I didn't get that answer.

Mr. COHN. Mr. Adams referred to the people who worked for him as his Indians.



Mr. JENKINS. Indians?

Mr. COHN. Indians. And he said that the file had been stripped by some of his Indians.

Mr. JENKINS. Did he tell you by whom?

Mr. COHN. No; we asked him to tell us by whom and he said that he would rather not tell us by whom.

Mr. JENKINS. Did he indicate whether or not it was stripped with his consent and at his direction?

Mr. COHN. No, sir; he did not indicate that to us. In fact, he implied it had not been done with his consent and at his direction.

Mr. JENKINS. Did he give any explanation as to why his Indians had stripped that file?

Mr. COHN. Yes. He told us the explanation that would be given was because this Coleman information, the part we were interested in, could be construed as either personnel information or as loyalty-security information. And that if it were loyalty and security information, a case could be made out for the fact that it had been put in the wrong file; it didn't belong in the personnel file but belonged in another file. So it was stripped out of the personnel file before the personnel file was given to us, on the theory that it should not have been in there in the first place.

I pointed out to Mr. Adams that the case had been treated back at that time as a personnel matter, and not as a loyalty-security matter, that the information was properly in the file, that it had been there for some years, and I made it pretty clear that it was quite obvious to us the reason it had been stripped out was to stop us from finding out that Coleman had been caught with these documents and that no action had been taken to remove him from Fort Monmouth in spite of it.

We got a letter from Mr. Adams a couple of days later, I think 2 or 3 days later, and that letter is in the record here, stating substantially as I said here, that the information should not have been in the files. It was admitted that it had been stripped from the files, but saying that it was being construed as loyalty information, that is why it was stripped from the files. But since we found out that it was stripped from the files and we knew what was in it anyway, they would give us what they had taken from the file, and they did give it to us, which, of course, we had had copies of already.

Mr. JENKINS. Has that letter been heretofore introduced into the record?

Mr. COHN. Yes, sir. We cross-examined Mr. Stevens or—I think it was Mr. Stevens, about it—and that letter was produced and is in the record.

Mr. JENKINS. Now, Mr. Cohn, you stated prior to the noon recess that there were two significant events of October 14. You have related only one of them?

Mr. COHN. Yes, sir.

Senator MUNDT. Mr. Counsel, if you are turning to another subject, the Chair would like to announce that Senator Symington and Senator McClellan were detained a few minutes in connection with the Senator Hoey memorial services on the floor of the Senate.

We are all now present.

Mr. JENKINS. Mr. Cohn, I will ask you to tell the members of this committee what the second event of October 14 was.



Mr. COHN. The second event, Mr. Jenkins, was the appearance of Maj. Gen. Kirke B. Lawton, the commanding general at Fort Monmouth before the subcommittee. That was in the night session.

Mr. JENKINS. Did or not General Lawton testify at that time?

Mr. COHN. Yes, sir. He gave probably the most important testimony of the whole investigation.

Mr. JENKINS. As a result of the testimony given by General Lawton on that occasion, Mr. Cohn, was there any untoward event that occurred?

Mr. COHN. Yes, sir.

Mr. JENKINS. What was that?

Mr. COHN. The way it hapened was this, sir: General Lawton was called in before the committee, as the commanding general of Fort Monmouth would know more about this than anyone else. He testified and, Mr. Jenkins, he was asked about this whole situation of security risks and people with Communist affiliation up at Monmouth by Senator McCarthy. Then Senator McCarthy——

Mr. JENKINS. And Mr. Adams and the Secretary were present?

Mr. COHN. No, sir. The Secretary had left during the morning session. I don't know where he went.

Mr. JENKINS. Was Mr. Adams present?

Mr. COHN. Yes, he was.

Mr. JENKINS. Very well. Was that at an evening session?

Mr. COHN. That was at an evening session.

Mr. JENKINS. Do you mean the third session you had held that day?

Mr. COHN. I believe it to be the third session we had held that day.

Mr. JENKINS. We understand.

Mr. COHN. General Lawton was questioned by Senator McCarthy about the fact that the security risks they had started suspending very recently, people with Communist affiliations, people with connections with Rosenberg, people who had taken secret documents out of the radar laboratories, Senator McCarthy wanted to know why it had taken so long to get them out of the secret radar laboratories, and I think he said to General Lawton, "General, I concede it has only been in the last few months you have been able to do anything about it."

General Lawton said:

No, sir; it is not in the last few months. I have been trying for years, but it is only in the last 2 or 3 weeks that I have been able to do something about it.

And General Lawton went on to make it clear in response to questions that it was due to the action of the subcommittee in conducting its investigation that these security risks were finally gotten out of the secret radar laboratories, and that General Lawton had received cooperation from his superiors only when Senator McCarthy and the subcommittee entered the field and began looking into the matter itself.

Mr. JENKINS. Did General Lawton testify to that?

Mr. COHN. He did, sir, in Senator McCarthy's presence.

Mr. JENKINS. Do you have a record of that testimony?

Mr. COHN. I do, sir.

Mr. JENKINS. Very well. You may proceed.

Mr. COHN. The last thing in the Lawton testimony that was very significant was, Senator McCarthy pressed General Lawton as to why it was that only in the last 2 or 3 weeks this effective action had been

taken, why it took action by the subcommittee, why it took an investigation by the subcommittee to do something which should have been done a long time before.

General Lawton, I might say, did not seem particularly anxious to go into that. He finally let it stand just about this way: He said something to the effect, "I know this very well, Senator, and I could tell you, but please bear in mind I work for Mr. Stevens and I had better not."

I have that testimony right here.

Mr. JENKINS. Was he pressed further by Senator McCarthy?

Mr. COHN. I don't believe he was. It was obvious that he did not want to be in the position of being critical of Mr. Stevens and the administration then in the Army, and I don't believe he was pressed further on that point.

Mr. JENKINS. Mr. Cohn, do you know whether or not Mr. Adams conveyed that information to the Secretary of the Army?

Mr. COHN. I am sure he did.

Mr. JENKINS. Are there any other significant events of October 14 shedding light on the charges made by you and Senator McCarthy against Mr. Stevens and Mr. Adams?

Mr. COHN. Yes, sir. I might say this, Mr. Jenkins: I have the particular excerpt from General Lawton's testimony right here, and I suppose it speaks very well for itself. It is short.

Mr. JENKINS. Is it short?

Mr. COHN. Yes, sir.

Mr. JENKINS. In order that there may be no misunderstanding whatever with respect to the testimony of General Lawton on that occasion, I will ask you now to read it, Mr. Cohn.

Mr. COHN. Thank you, sir. [Reading:]

The CHAIRMAN.—

meaning Senator McCarthy—

Let me see if we can ask some questions that will not put you on the spot as far as violating the regulations is concerned. Can we phrase the question this way: Would you say that since you have taken over, and especially over the past 6 months, you have been working to get rid of the accumulation of security risks in the Signal Corps and that you have suspended a sizable number, and you are working toward getting rid of all of those that you now consider loyalty or security risks? Would that be a safe statement?

General LAWTON. That is a question I will answer "yes," but don't go back 6 months. Let us go back—effective results have been in the offing in the last 2 weeks. I have been working for the last 21 months trying to accomplish what is being accomplished in the last 2 weeks.

The CHAIRMAN. I think that covers that. So that you would say that in the past several weeks you are getting some effective results?

General LAWTON. Absolutely, that we have not gotten for the last 4 years.

The CHAIRMAN. And you have the complete cooperation of the Secretary of the Army in this, I understand?

General LAWTON. Absolutely, and things are moving.

The CHAIRMAN. Could you tell us why it is only in the last 2 or 3 weeks that you are getting these effective results?

General LAWTON. Yes, but I had better not. I know this so well, but I am working for Mr. Stevens.

After that testimony, Mr. Jenkins—

Mr. JENKINS. Let me ask you a question now, Mr. Cohn, before you go further.

Mr. COHN. Yes, sir.

Mr. JENKINS. Up to that time, had you ever heard anything with reference to the proposed relieving of General Lawton of his command by the Secretary of the Army?

Mr. COHN. Not a word.

Mr. JENKINS. Not a word?

Mr. COHN. No, sir.

Mr. JENKINS. Did you sometime later learn of such a proposed project?

Mr. COHN. I did.

Mr. JENKINS. We will get to that sometime later on.

I interrupted you. You started to make a statement.

Mr. COHN. I was going to address myself to that very point, Mr. Jenkins.

After this testimony was given, I think the next day Mr. Adams indicated to us that he was not at all happy about it and that he was not pleased with General Lawton.

Mr. JENKINS. That was on October 15?

Mr. COHN. I believe that was around the 15th or 16th.

Mr. JENKINS. Can you recount as nearly as possible precisely what Mr. Adams said?

Mr. COHN. He said then, as he said many times later—the substance of it, Mr. Jenkins, was that he thought that General Lawton had talked too much; that General Lawton had no right to put Mr. Stevens on the spot and let Senator McCarthy know that effective action in the investigation had come only after Senator McCarthy and this committee had entered the picture. He was very much annoyed at General Lawton from that point on.

Mr. JENKINS. Who heard Mr. Adams make those statements, Mr. Cohn?

Mr. COHN. I heard him make them. I know Senator McCarthy did.

Mr. JENKINS. Was Senator McCarthy present?

Mr. COHN. Oh, yes. He knew that Mr. Adams was very unhappy.

Mr. JENKINS. Very well.

Now, Mr. Cohn, is there anything else significant as of the 14th and 15th of October?

Mr. COHN. Nothing within my own personal knowledge, sir. There is another significant item, but that will be testified to by someone else.

Mr. JENKINS. Shall we pass now to the 19th of October?

Mr. COHN. Surely, sir.

Mr. JENKINS. I will ask you to tell the committee, Mr. Cohn, what occurred on October 19 that has a bearing upon the issues of this controversy?

Mr. COHN. On the stopping of the investigation?

Mr. JENKINS. Right.

Mr. COHN. Some time prior to October 19, I think over the weekend before, I told John Adams that I was going to go down to Fort Monmouth; that I was going to accompany Senator McCarthy, and some other staff members might be going with us. I believe I told him that Mr. Rainville, the very able assistant to Senator Dirksen, and Mr. Bob Jones, very able assistant to Senator Potter, were going to go down, too, to represent Senator Dirksen and Senator Potter; that we were going to go through the Evans Signal Laboratories to



see just where Aaron Coleman had been working. We wanted to look at the security setup, and we had plans to talk to a number of witnesses down there.

In other words, Senator McCarthy decided it would be to everybody's convenience to have some on-the-spot work done down at Fort Monmouth.

Mr. JENKINS. Was that the Senator's party or was it the Secretary's party?

Mr. COHN. This was the Senator's. We were going down without any regard to Mr. Stevens or Mr. Adams going down. Mr. Adams either called me back or in a subsequent conversation told me that he had talked with Mr. Stevens and that Mr. Stevens was likewise planning a trip down to Fort Monmouth and thought it would be a very nice thing if we could all go down there together and would I pass that along to Senator McCarthy and give Mr. Adams an answer.

I communicated with the Senator in some way or other, and he said he had no objection at all to going down with Mr. Stevens and anyone Mr. Stevens wanted to bring along. I reported that back to Mr. Adams, and the now famous trip of October 20 to Fort Monmouth was arranged.

Mr. JENKINS. Was anything said by Mr. Adams to you with respect to having prepared a release to be given to the press on that occasion?

Mr. COHN. Yes.

Mr. JENKINS. Prior to the time you made the trip.

Mr. COHN. Yes.

Mr. JENKINS. Very well.

Mr. COHN. The trip was set for October 20. On October 19, as I recall it, I was down here in Washington. I might say to set the circumstances straight, Senator Mundt at that time was presiding as the chairman of a subcommittee of the subcommittee, which was conducting hearings on the part a Communist spy ring had played in causing various officials of the United States Government back a few years ago to actually deliver money plates of the United States Treasury Department, the United States Mint, to the Soviet Government.

Senator Mundt was presiding at that investigation here in Washington and conducting open hearings, showing the pattern of Communist infiltration in the Treasury and State Departments, I believe, and how the Communists in those two Departments had used pressure to get our Government to agree to ship for the first time in history these money plates from the United States Mint over to the Soviet Government.

They were money plates for occupation currency in Germany.

We were all working to a greater or lesser degree assisting Senator Mundt in the preparation for executive sessions and public hearings in that case.

It became obvious that not all of us could go up to Fort Monmouth; that part of the staff would stay and help assemble material for Senator Mundt, who had come back, I know, from South Dakota to conduct these hearings.

We agreed that I would go up to Monmouth; that Mr. Rainville and Mr. Jones representing Senator Dirksen and Senator Potter, would come along. We advised Mr. Adams of just who would be in our party.



Mr. Carr, as I recall, did not go, but stayed and worked at the hearings with Senator Mundt.

I was down here on Monday, the 19th. Mr. Adams telephoned, and that is where the press release first came up.

Mr. JENKINS. Now, tell us what was said by Mr. Adams with respect to the press release, Mr. Cohn, if you will, please.

Mr. COHN. As I recall it, Mr. Adams told me for the first time on the morning of October 19, that he was preparing a press release which he wanted Senator McCarthy to issue down at Fort Monmouth the next day. He told me that—I don't recall his words—he said, I think, that he had a rough draft or had made some notes, and what he wanted Senator McCarthy to say, and he would like to read that to me over the telephone. I listened, and he read something to me.

Mr. JENKINS. Do you have a copy of what he read to you, Mr. Cohn?

Mr. COHN. No; we have not had in the committee room a copy of what he first read to me.

Mr. JENKINS. Do you remember the tenor of the document he read to you?

Mr. COHN. I remember the tenor very well, sir.

Mr. JENKINS. Will you please state to the committee what it was?

Mr. COHN. The tenor of it was that Mr. Adams wanted Senator McCarthy to say publicly the next day at Monmouth that this subcommittee was going to bow out of the investigation at Fort Monmouth and leave it to Mr. Stevens and Mr. Adams.

Mr. JENKINS. Had you ever promised to do so up to that time?

Mr. COHN. No, sir.

Mr. JENKINS. Did you ever promise to do so?

Mr. COHN. Never.

Mr. JENKINS. Did Senator McCarthy to your knowledge ever promise to bow out of Fort Monmouth and turn it over to the Army?

Mr. COHN. No.

Mr. JENKINS. Do you know why Mr. Adams prepared such a document, Mr. Cohn?

Mr. COHN. I think the reason, sir, is—

Mr. JENKINS. What, in your opinion was the reason?

Mr. COHN. He wanted Senator McCarthy to announce publicly, and I assume be bound by that announcement, that he and the committee were just going to step out and stop the Fort Monmouth investigation.

Mr. JENKINS. What reply did you make to him when he read that document in which you were presumably to bow out of the Fort Monmouth?

Mr. COHN. He read a couple of the sentences which we do have, such as Mr. Adams wanting Senator McCarthy to say, "I have every confidence that Secretary Stevens and the Army will move immediately and effectively to continue the investigation being undertaken by the subcommittee." And then, again, Mr. Adams said, "I believe our recent hearings have brought their names," meaning people with Communist records, "out and that from here forward the Army should be able to finish the job which we have started."

That is in substance what he wanted Senator McCarthy to say. When I heard it—

Mr. JENKINS. My question was what was your reply to Mr. Adams when you heard him read it?

Mr. COHN. My reply as best as I recall it was that I would telephone Senator McCarthy and repeat to him as best I could what Mr. Adams wanted him to say, that I would make a very fair presentation of what Mr. Adams wanted him to say, but that I didn't think Mr. Adams should have any confidence that Senator McCarthy would say it.

Mr. JENKINS. Did you telephone Senator McCarthy and apprise him of the fact?

Mr. COHN. I did.

Mr. JENKINS. Do you recall the Senator's reaction?

Mr. COHN. I do.

Mr. JENKINS. Well, without using all of his words, Mr. Cohn, by way of proper expurgation will you tell in substance what the Senator said?

Mr. COHN. The answer was no.

Mr. JENKINS. The answer was no.

Mr. COHN. I can say this much more, the Senator said he had no intention of stopping the investigation, he didn't see why he should be called upon to say that he was going to do it, and that he would not say so. I called Mr. Adams back and I said that, as I had predicted to him, the answer was no, and that the Senator was not at all receptive to Mr. Adams suggestion.

Mr. JENKINS. Now, you have told about—

Mr. COHN. I might say this, Mr. Jenkins, I went on to tell him that Senator McCarthy had said:

Since we are going to hold executive sessions, since we are going to hold public hearings, there does not seem to be much sense in my coming out and saying we are not going to do it.

I told that to Mr. Adams and that the Senator said this would be inaccurate, how could he say he was going to stop the investigation, when he was very clear that he was going to hold public hearings.

Mr. JENKINS. And, as a matter of fact, did you from time to time thereafter hold both public and private sessions?

Mr. COHN. We did. After I had told Mr. Adams what Senator McCarthy had said, that he wouldn't say we were going to stop, and that affirmatively he had every intention of continuing, and that he would hold executive sessions and public hearings, Mr. Adams said something to the effect that, "I will put that in there, too, that Senator McCarthy is going to hold executive sessions and public hearings. Suppose I add that on to it? Maybe that will look better."

I don't recall what, if any, reply I made to that, sir, but I do recall what happened later that afternoon.

Mr. JENKINS. What did happen later that afternoon?

Mr. COHN. As I recall it, I was up in room 357. I haven't bothered to look up and see what was going on, but there was some kind of a committee hearing going on or some kind of a meeting, and a messenger from Mr. Adams' office came to the door with an envelope for me. It contained a draft of a statement which Mr. Adams wanted Senator McCarthy to make publicly the next day. As best I could figure out, it was just what Mr. Adams had read to me originally, with the exception of the fact he had added on a paragraph at the end saying—after having said at the beginning Senator McCarthy will

stop his investigation, Mr. Adams added on a paragraph at the end saying but executive sessions and public hearings would be held. So it seemed to have both what Mr. Adams thought should be said and added on what I told Mr. Adams Senator McCarthy was going to do.

Mr. JENKINS. Do you mean one was a clarification of the other?

Mr. COHN. I don't know just what is was, sir.

Mr. JENKINS. Was it in your opinion a contradiction?

Mr. COHN. It was an obvious contradiction.

Mr. JENKINS. An obvious contradiction?

Mr. COHN. Surely.

Mr. JENKINS. Very well.

Mr. COHN. And Mr. Adams produced, when we were cross-examining him about this, a draft of a statement, and I have no reason to doubt that that is the statement he sent over that afternoon. It contains language I have read, where Mr. Adams wanted Senator McCarthy to say, "I believe that our recent hearings have brought the names of these subversives out and that from here forward the Army should be able to finish the job we have started."

He then goes on to say:

There are still some witnesses under subpoena by the subcommittee and they will be heard later this week in New York in executive session. Following these hearings it is our present plan to hold open hearings on the same subject, probably in New York.

So you have in one paragraph, he wanted the Senator to say we are stopping it, and in the next paragraph where he tried to embody the Senator's thought, it made it clear we were not stopping, that we were going to continue.

Mr. JENKINS. If I get the gist of what you have said, that original statement stated that you were bowing out, so to speak, quitting your investigation?

Mr. COHN. It said so in so many words.

Mr. JENKINS. And that was read to you on the telephone and you conveyed the Senator's message to him that he could expect it to continue and then it was that the last two statements were added?

Mr. COHN. That is my recollection.

Mr. JENKINS. Taking that document without those last two statements, Mr. Cohn, I will ask you whether or not you construed that as an effort or an attempt on the part of the Army, or Mr. Stevens or Mr. Adams, to persuade Senator McCarthy to give up his investigation of Fort Monmouth.

Mr. COHN. Sir, the document written by Mr. Adams says:

From here forward the Army should be able to finish the job we have started.

That statement was made to mean we were finished and that the Army would be taking over.

Mr. JENKINS. Now you have testified about these events of October 19.

Mr. COHN. Yes, sir.

Mr. JENKINS. Did you, as a matter of fact, in company with Senator McCarthy, the Secretary, Mr. Adams, and perhaps others, go to Fort Monmouth on the 20th day of October?

Mr. COHN. I did.

Mr. JENKINS. Mr. Cohn, what occurred there that day with respect to this proposed press release, if anything?



Mr. COHN. With respect to the press release, sir?

Mr. JENKINS. That is what I am asking about.

Mr. COHN. All right. Well, going up in the plane, in Mr. Stevens' plane—by the way, the chairman was there. I was with him, Mr. Rainville was there, Bob Jones was there, Colonel BeLieu, General Back, Mr. Adams, Mr. Stevens, and a couple of Mr. Stevens' orderlies. Then I was sitting next to Mr. Stevens. He was sitting at a window seat, I was next to him, and Senator McCarthy was across the aisle. While the plane was taking off, Mr. Adams was sitting in the back of the plane. After we were up in the air, Mr. Adams came forward and knelt in the aisle in between Mr. Stevens and myself on the one hand and Senator McCarthy on the other side of the aisle. Mr. Adams had with him, I think it must have been this [indicating], and the draft of the press release—

Mr. JENKINS. For the benefit of the committee, I will ask you to identify what you mean by "this."

Mr. COHN. Exhibit No. 8. I believe that is what he had. And he was kneeling in the aisle. He pulled it out and he started showing it to Senator McCarthy and asking Senator McCarthy whether or not—wouldn't the Senator give him a break, wouldn't the Senator issue this, wouldn't the Senator say these things.

The Senator read it and said he would not. Then Mr. Adams said, "Well, what is wrong with it? What language would you like out?"

The Senator said, as I recall it, the substance of what the Senator said was, "Well, in this you have me saying that we are going to stop the hearings. We are not. The last paragraph is accurate, where you say we are going to continue them and have both executive and public sessions, but the other business in there about us stopping the investigation and turning it over to the Army isn't true and I will not say it."

The Senator made a further point. He said, as I recall it, that he was not in the practice of having other people, particularly people whom he was investigating, prepare statements for him to make; that it was not characteristic of him; that the press knew it was not; and that if he went in there and started reading off a statement like this, everybody would know that it was not his, and the whole idea just did not appeal to him.

He made the specific statement that he would not say anything which could be construed as his saying that the investigation would be called off.

Mr. JENKINS. Then you say the Senator definitely declined at that time, while you were in midair and prior to landing at Fort Monmouth, to issue such a press release?

Mr. COHN. The Senator's specific declination was to say anything that would indicate in any way that he was stopping the investigation because, as he explained, he was not. He was going to hold hearings.

As far as specifically saying, "I will not say anything" or "I will not make any release," I think he made it very clear—I don't recall his saying it in so many words.

Mr. JENKINS. Later that day, did either Mr. Adams or the Secretary make any further attempt to get this released to the press?



Mr. COHN. The next thing I heard anything about the release, as far as I remember, Mr. Jenkins, was during lunch at the Administration Building.

Mr. JENKINS. What did you hear then?

Mr. COHN. Senator McCarthy got up from his seat. He was sitting up at the head of the table with Mr. Stevens.

Mr. JENKINS. We have heretofore identified the place where he went.

Mr. COHN. Yes.

Mr. JENKINS. It won't be necessary to designate it any further.

Mr. COHN. He left the room. As he was leaving the room, as I recall it, he walked down the room. Between the chairs where we were sitting at lunch and the wall, there was a table, and on the table, as I remember it, there was a big pile of mimeographed statements. Senator McCarthy stopped when he reached the table, as I remember it, and he picked one of them up.

Mr. JENKINS. What were they?

Mr. COHN. They were another press release which Mr. Adams evidently wanted Senator McCarthy to issue.

Mr. JENKINS. Did you have anything whatever or did Senator McCarthy have anything whatever to do with the preparation of those mimeographed press releases?

Mr. COHN. No, he didn't. The only thing he might have had to do with it was, he had said there were certain things which he definitely would not say, and this third attempt by Mr. Adams was an attempt, I think, looking at the release, to strike out those things which Senator McCarthy made very clear he would not issue.

Mr. JENKINS. Do you have a copy of that mimeographed proposed release?

Mr. COHN. I don't have one right here. I know there are some available, Mr. Jenkins.

Mr. JENKINS. I will ask you to——

Mr. COHN. I know what is in it. I read it over a couple of nights ago. I have a very good recollection of what is in it.

Mr. JENKINS. Mr. Cohn, if we had one, it would not be necessary for you to put your interpretation upon it. We want to get it precisely.

State whether or not, in your opinion, it was a press release in which the Senator in effect said that he was through with Fort Monmouth or about to be through with Fort Monmouth, and would turn it over to the Army?

Mr. COHN. No, I don't think the third one was, Mr. Jenkins. I think the third one said a lot of nothing.

Mr. JENKINS. Said a lot of nothing?

Mr. COHN. Yes, sir.

Mr. JENKINS. Anyway, Senator McCarthy had nothing to do with the preparation of it, and neither did you?

Mr. COHN. No.

Mr. JENKINS. When you get it, Mr. Cohn, I will ask you to file it as an exhibit to your testimony.

Mr. COHN. Yes, sir.

Mr. JENKINS. That was the third attempt that day, you say, to procure the Senator to make a press release; is that right?

Mr. COHN. Yes, sir. As I say, the way it happened was——  
[Document handed to Mr. Cohn.]

Mr. COHN. This is the one I mean, sir. It is marked "Committee Exhibit No. 11." This one here just about eliminates what Mr. Adams wanted said and what Senator McCarthy wanted said. It makes no reference to whether the investigation by our subcommittee was or was not going to continue.

Mr. JENKINS. Did the Senator release it to the press?

Mr. COHN. No. What happened was this: The Senator picked it up from this big pile of mimeographs, and he looked at it. As I remember it, he then came over to me on his way out of the room and motioned to me to walk along with him. I did, and he showed this to me. I think that the Senator was not angry or disturbed. He was just somewhat amused that they were still trying to get him to issue this press release.

Mr. Adams followed us out of the room and asked the Senator if he would not make this release, this third release.

Mr. JENKINS. The mimeographed one?

Mr. COHN. The mimeographed, the third one, yes, sir, which had been piled up on this table in the lunchroom.

Mr. JENKINS. Very well.

Mr. COHN. Mr. Adams wanted the Senator to issue that.

Mr. JENKINS. What did the Senator say?

Mr. COHN. The Senator said again—I think he made some comments about its contents, the substance of which were that it didn't say much of anything, and the point he made then was that he just couldn't recall when, before, any agency which he was investigating prepared a release and sought to put words in his mouth, and that he was not going to go to the press and read or hand out something that somebody else had written for us; that anything he had to say or any questions they wanted to ask him, he could handle that very well himself, and he just was not going to give this out, but he would respond to any questions the press might ask, but he was not going to make such a release.

Mr. JENKINS. Mr. Cohn, at that time did you undertake to or exert any influence over the Senator to prevent his making such a release?

Mr. COHN. No. It was a completely unimportant matter to me.

Mr. JENKINS. Did anything else occur on the 20th, Mr. Cohn, with respect to the attempt of the Army to get you to quit Fort Monmouth or to issue a press release relative thereto?

Mr. COHN. Not with the press release. There were a lot of very peculiar things that happened on that day, sir. I don't know if you want me to go into them now or on cross-examination. That was the day when we were kept out of the laboratory, and I have heard at lot of testimony that I was angry, which I was, and I could have saved all those people from coming up here.

Mr. JENKINS. Mr. Cohn, frankly, those matters are relevant to the countercharges.

Mr. COHN. Surely.

Mr. JENKINS. And it is anticipated that you will be examined or cross-examined with respect thereto at a later time, and we hope not too much later.

So that is all that occurred, as we understand it, on the 20th of October at Fort Monmouth with respect to your allegations against Mr. Stevens and Mr. Adams?

Mr. COHN. That is all that occurred with reference to the press release.

Mr. JENKINS. I will ask you whether or not you saw either of those gentlemen, Mr. Stevens or Mr. Adams, on the following day, that is, October 21?

Mr. COHN. I did.

Mr. JENKINS. Who was there?

Mr. COHN. Mr. Adams.

Mr. JENKINS. Where?

Mr. COHN. First on an airplane on the way to New York, and then at my home, and then various other places.

Mr. JENKINS. What occurred on the 21st, Mr. Cohn, in New York?

Mr. COHN. Mr. Adams had suggested before that he would like to go to see a boxing match that was to take place at Madison Square Garden on the night of the 21st. He asked me if I could get tickets, and there are some details that I might mention.

Mr. JENKINS. It was a championship prizefight, was it not?

Mr. COHN. Yes, sir.

Mr. JENKINS. The tickets cost \$20, we understand.

Mr. COHN. They did.

Mr. JENKINS. You tell what occurred with respect to that, you call it boxing match.

Mr. COHN. Yes, sir. The prize fight—Mr. Adams wanted to go and asked if I could get the tickets. I could and I did. I was down in Washington. I had come down I think to see if I could help the staff at all in connection with the hearings on the Communists being responsible for the giving of these money plates to the Russians, which were being presided over by Senator Mundt.

Mr. JENKINS. That was the hearing in which the Senator from South Dakota was engaged?

Mr. COHN. Yes, sir; the Senator from South Dakota was the chairman of the subcommittee at that time and was holding hearings day in and day out on that matter.

I came down frankly to see if I was needed. As I recall it, I was not particularly needed. Senator Mundt was in very satisfactory shape, and he told me—Senator Mundt I believe told me that I need not stay down here and work on those particular hearings.

Mr. Carr was coming up to New York to carry on the work in the Monmouth investigation. I might say that because of the incident which I will relate on cross-examination about being kept out of the laboratory, and other things, we had to go back to Fort Monmouth on another date to do what we went to do on the first day. Mr. Carr came back to New York with us and was going to go on and did go on that second trip.

We flew up to New York with Mr. Adams on the same plane. Our office made the reservations. We met on the plane. From that plane, from the airport in New York, we went over to my home where Mr. Adams had dinner.

Mr. JENKINS. That is on October 21?



Mr. COHN. Yes. That is the day after the Fort Monmouth incident.

Mr. JENKINS. I understand.

Mr. COHN. Mr. Adams had dinner with my family and with me at my house on that night.

After dinner we went down to the prizefight and after the prizefight we went out.

Mr. JENKINS. Had you procured the tickets for the prizefights?

Mr. COHN. I had.

Mr. JENKINS. Do we understand they cost \$20 apiece?

Mr. COHN. I did.

Mr. JENKINS. While on that subject, Mr. Cohn, when did Mr. Adams reimburse you for the price of his ticket?

Mr. COHN. On February 18.

Mr. JENKINS. How much later?

Mr. COHN. I guess about 4 months later.

Mr. JENKINS. Four months later. In the interim had you seen him and been with him a number of times?

Mr. COHN. I had.

Mr. JENKINS. Did you at some time near the time we are talking about likewise buy some theater tickets for Mr. Adams?

Mr. COHN. The theater tickets—and I want to emphasize this, Mr. Jenkins, if I may, I in nowise want to criticize Mr. Adams for asking me to get fight tickets or theater tickets or anything else. It was a social courtesy which I was very happy to extend to him and would extend to anybody else under similar circumstances. I thought there was nothing wrong in his asking me to do it and I was glad to do it.

Mr. JENKINS. How many theater tickets did you get for him?

Mr. COHN. I think the theater tickets were three.

Mr. JENKINS. Three?

Mr. COHN. Yes, sir.

Mr. JENKINS. Do you recall the price of those theater tickets?

Mr. COHN. The total for the 3 was \$25.80.

Mr. JENKINS. I am not intimating there is anything wrong about the purchase of a fight ticket or the theater tickets. The committee might think so, or the committee might think—I believe it is our friend from the great State of Washington who requested me to find out the date of the theater tickets.

Mr. COHN. December 16. There was some discussion prior to that date, but that night that the theater party finally came off was the night of December 16, Senator.

Mr. JENKINS. Do you recall how much those theater tickets were in dollars and cents?

Mr. COHN. Sir, there were the theater tickets plus about a 90 cents or \$1 brokerage charge.

Mr. JENKINS. What did they cost, Mr. Cohn?

Mr. COHN. The total was \$25.80.

Mr. JENKINS. That made a total of \$45.80?

Mr. COHN. Sir, I don't count the \$20. Mr. Adams I was glad to have as my guest on that occasion and there was no necessity for him to pay me back.

Mr. JENKINS. I know, but Mr. Adams insisted 4 months later in reimbursing you for the theater tickets and prizefight tickets; is that correct?

Mr. COHN. Yes, sir.



Mr. JENKINS. It was not 4 months after for the theater tickets?

Mr. COHN. It was 2 months after that.

He need not ever reimburse me for the fight ticket.

Mr. JENKINS. The reason I am bringing it out is not to embarrass you or Mr. Adams. The committee might think there is some significance to it in view of the events that occurred prior to the payment and subsequent to the payment.

Mr. COHN. Yes, sir.

Mr. JENKINS. The fact is that he did pay you some \$45 for the prizefight and the theater tickets?

Mr. COHN. He did.

Mr. JENKINS. Now, Mr. Cohn, you say that you had seen him a number of times between October 21 and February 24.

Mr. COHN. February 18, it was.

Mr. JENKINS. February 18?

Mr. COHN. Yes, sir.

Mr. JENKINS. During those, would you say, numerous times you had been with Mr. Adams—is that right?

Mr. COHN. Yes, sir, there were numerous times.

Mr. JENKINS. I will ask you whether or not at any time during those numerous meetings with you and Mr. Adams, he ever made any offer to reimburse you for either the prizefight or the theater tickets?

Mr. COHN. The prizefight tickets, no, sir, according to the best of my recollection. The theater tickets, I believe he did say, sir, that he would reimburse me for them, and I told him that when the bill came to my office, I would send it on to him to be paid.

Mr. JENKINS. Do you recall an event of October 29?

Mr. COHN. Sir, before you—before you leave October 21, there were some things said on that night which you might regard to be of significance.

Mr. JENKINS. I ask you to now tell the committee what those things were.

Mr. COHN. Yes, sir, I will be very brief on them. We spent a lot of time together that night, at dinner, at the fight and afterward. And Mr. Adams was very much disappointed that Senator McCarthy had declined to make the announcement that he was stopping the investigation the day before. Mr. Adams wanted to know what could be done to work out some arrangement whereby we would stop the investigation. He was very anxious to have us do that.

He asked us about that and there was quite a bit of discussion about it. We told them we did not see that anything particular could be done. He mentioned on that occasion, as he had to another staff member once before, and as he did to us on subsequent occasions, made the suggestion that if we could sort of spread around the investigation to include other parts of the military, such as the Navy and the Air Force, it would not look so bad for the people in the Army.

Mr. JENKINS. Now, Mr. Cohn, perhaps that will be regarded as the most serious charge made by you and Senator McCarthy against the Army or Mr. Stevens and Mr. Adams, and I ask you whether or not that is the first time that any such suggestion was ever made to you?

Mr. COHN. To me, personally, yes. To members of our staff, no.

Mr. JENKINS. And where were you when such a suggestion was made?

Mr. COHN. It was sometime during that evening, sir, I don't remember the exact location.

Mr. JENKINS. Where did you have dinner that evening?

Mr. COHN. At my home.

Mr. JENKINS. Where did you go after the prizefight?

Mr. COHN. I think we went to a couple of places.

Mr. JENKINS. A couple of places?

Mr. COHN. Yes. They were restaurants, or things.

Mr. JENKINS. No unfavorable inference would be drawn as far as I am concerned, Mr. Cohn. I understand you are a single man.

Mr. COHN. Yes, sir.

Mr. JENKINS. And Mr. Adams is a good talker and he probably will be able to talk himself out of any domestic difficulties.

Mr. COHN. Based on that night, there is nothing he has to talk himself out of.

Mr. JENKINS. Very well.

Now, Mr. Cohn, do you say that sometime that evening, that is the evening of October 21, a suggestion was made to you by Mr. Adams that the McCarthy investigating committee go after the Navy or the Air Force?

Mr. COHN. Mr. Jenkins, it wasn't quite that forceful, if I might use the word.

Mr. JENKINS. I want you to tell, because the committee, I feel, will regard it as extremely important, as nearly as you can, and as precisely as you can, the circumstances under which anything was said, and as nearly as you can, verbatim, if possible, just what Mr. Adams said that night.

Mr. COHN. I can't possibly, sir, give you verbatim what Mr. Adams said that night. The best I can do is give you the substance of what he said, and I want to emphasize, as far as this Navy-Air Force suggestion, there was no great dramatic thing about saying, "Stop the investigation about us and go ahead and blow up the Navy and the Air Force."

The idea which Mr. Adams was trying to project was that if we were to investigate Communist infiltration in the Navy and the Air Force at the same time, at that time, that would sort of take some of the onus off the Army, and if we could leave the Army alone and give some attention to the Communist infiltration in the Navy and the Air Force, it would not put the Army in a bad light or it would not put the Army—leave the Army all alone in a bad light. I want to emphasize this.

Mr. JENKINS. Who was present?

Mr. COHN. I was there and Frank Carr was there.

Mr. JENKINS. And Mr. Adams; the three of you?

Mr. COHN. And Mr. Adams. I want to emphasize this: Mr. Adams and Mr. Stevens, neither one ever suggested that we pursue any false information or anything of that kind about the Navy and the Air Force. Their idea was that there was undoubtedly a problem of Communist infiltration in the Navy and the Air Force, similar to that in the Army, and they were just hoping that we could give that some attention for a while.

Mr. JENKINS. Let's stick to the occurrence of the 21st day of October.

Mr. COHN. Yes, sir.

Mr. JENKINS. Have you now, you think, imparted to the committee all of the knowledge you possess with respect to what was said on that occasion?

Mr. COHN. No, there was one other comment which might or might not be important later.

Mr. JENKINS. I ask you to state what it is.

Mr. COHN. That was that Mr. Adams told us that night that he was going to take over handling the arrangements for Dave Shine's tour of duty in the Army. He said previous to that these arrangements have been handled by personnel in the Army, but that was going to become his personal business from then on. That, I think, about sums up what I recall pertinent to this case. There was considerable other discussion, sir, about Mr. Adams was trying to find out where we were getting some of our information from, and there was a lot of joking going on back and forth.

Mr. JENKINS. Mr. Cohn, the remarks that you have attributed to Mr. Adams with respect to the evening of the 21st of October, and especially those in which a suggestion was made that there was material in other branches of the service to investigate as far as subversives are concerned, were those remarks by Mr. Adams jokingly, facetiously, or did you get the impression that he was dead serious about them?

Mr. COHN. Sir, it is very difficult for me to try to read Mr. Adams' mind or chart his emotional position at that particular moment.

Mr. JENKINS. You say he was expressing Mr. Stevens' great disappointment at your continued investigation of Fort Monmouth?

Mr. COHN. Yes, he was particularly talking about the fact that Senator McCarthy had not made the press release, had not said the day before that he would stop the investigation.

Mr. JENKINS. At that time had either you or the Senator from Wisconsin considered diverting your efforts from Monmouth and going into the area of the Air Force or the Navy?

Mr. COHN. No.

Mr. JENKINS. Did you have any information that would have justified your so doing?

Mr. COHN. Sir, there is an awful lot of information in our files. We have a lot. I don't know what people have written in and what we have. I knew of no specific information which would have warranted certainly the holding of hearings on the Navy or Air Force at that time.

Mr. JENKINS. Very well.

Mr. COHN. There is one small situation in the Navy which occurs to me, but we had planned no investigation.

Mr. JENKINS. Mr. Cohn, do you feel that we have thoroughly explored the events of October 21?

Mr. COHN. Yes.

Mr. JENKINS. What occurred on October 29, especially with reference to a trip to see one David Greenglass?

Mr. COHN. Oh, yes, sir. October 29 we went up to the Lewisburg Penitentiary to see David Greenglass. David Greenglass was the brother-in-law of Julius Rosenberg and had participated with Julius Rosenberg in the Soviet spy ring. Greenglass, unlike Rosenberg, entered a plea of guilty and admitted to the FBI and to the country



just what his part in stealing atom secrets had been. He testified as a witness at the Rosenberg prosecution. As a matter of fact, I examined Mr. Greenglass on the witness stand, and I therefore knew him.

In going over the Rosenberg testimony with reference to the Coleman case, I came across some statements by Mr. Greenglass which indicated that he might have knowledge that there had been actual espionage in the Army Signal Corps.

Mr. JENKINS. At Fort Monmouth?

Mr. COHN. At Fort Monmouth specifically, and at other places, sir, within the jurisdiction of the Army Signal Corps, including companies which were doing subcontracting work for Fort Monmouth and the Army Signal Corps. We therefore decided sometime in October, in preparation for public hearings, that we would go up to talk with David Greenglass and see just what information he could give to us, whether or not there had been espionage in the Signal Corps, whether there might be some people who hadn't been caught yet, and whether there were any leads he could give us which would assist in the investigation of Communist infiltration in the secret radar laboratory at Monmouth.

We had been talking about this trip for some 2 or 3 weeks——

Mr. JENKINS. When you say "we," whom do you mean?

Mr. COHN. I mean the staff of the committee, and it was known also to Mr. Adams and to General Lawton.

Mr. JENKINS. Very well. Did you go to see Greenglass on October 29?

Mr. COHN. We did.

Mr. JENKINS. Did Mr. Adams go with you?

Mr. COHN. No.

Mr. JENKINS. Did General Lawton go with you?

Mr. COHN. I believe he wanted to, sir, but he was not permitted to.

Mr. JENKINS. Why was General Lawton not permitted to go with—who did go with you, Mr. Cohn?

Mr. COHN. I know Dave Schine went, Frank Carr, I believe went; and Mr. O. John Rogge, who was counsel to Mr. Greenglass, who represented Mr. Greenglass at the Rosenberg trial, who I knew from that, went along as counsel for Mr. Greenglass.

Mr. JENKINS. Who prevented General Lawton—who, as we understand it, was the commanding general at Fort Monmouth—from going with you on this trip of October 29 to see David Greenglass?

Mr. COHN. What I know about it is this, sir: When the trip—we had this October 14 incident which I have described when General Lawton said it wasn't until this committee came along that any effective action had been obtained at Monmouth, and he wouldn't go into details because he worked for Mr. Stevens. As I say, from that time on, Mr. Adams was distinctly unhappy with General Lawton. Mr. Adams told me, and I know he told the Senator, that he was not happy about the idea that General Lawton was sitting in on hearings of our committee. General Lawton would come in day after day and sit there and listen to witnesses, take notes of what the witnesses said, and I have reason to believe that some of the facts which he gleaned aided him in arriving at the decision to suspend various people working in the secret radar laboratory.



General Lawton also said that he would like to come or at least send a representative up to this Greenglass interview, because he felt if Greenglass knew anything about espionage, past, present or possible, in the Army Signal Corps and affecting Fort Monmouth, General Lawton would like to know about it and know about it fast.

General Lawton said he would come or send his aide along with us so his aide could report to him.

I don't remember the details of the conversation, Mr. Jenkins, but I do remember that Mr. Adams told me that he was going to have General Lawton told not to go and to start keeping his nose out of things and out of the investigation.

General Lawton, who we had welcomed on the trip, we would have been very happy to have him with us, although he originally planned to go or to have a representative there, the fact is he communicated to us a couple of days before the trip and said that he could not go and he could not send a representative.

Mr. JENKINS. Did he tell you why, Mr. Cohn?

Mr. COHN. I don't recall whether he did or not.

Mr. JENKINS. But Mr. Adams did tell you—

Mr. COHN. Mr. Adams made it very clear.

Mr. JENKINS. He wanted General Lawton to keep his nose out of it?

Mr. COHN. Yes, sir.

Mr. JENKINS. I will ask you a little more about General Lawton later on your direct examination, but while on the subject of General Lawton, I now ask you whether or not at all times General Lawton was most cooperative with the McCarthy Committee in the investigation of the infiltration of subversives at Fort Monmouth?

Mr. COHN. He was, sir. The only incident of any kind we ever had with General Lawton, as far as I recall, was that there was a question in the general's mind at one point as to whether he would get in trouble if he allowed us to continue interviewing, conducting staff interviews with people who worked at Fort Monmouth. I took that matter up with Mr. Stevens personally, and Mr. Stevens called General Lawton and said that those interviews could be conducted, and they were.

I know of no instance in which General Lawton withheld any proper cooperation from the subcommittee.

Mr. JENKINS. I will ask you whether or not the interview to which you refer was the interview of November 6?

Mr. COHN. That was October 2.

Mr. JENKINS. Back in October?

Mr. COHN. Yes, sir.

I might say this, sir: that we knew when we were in this investigation, although we had not met General Lawton personally, we knew by reputation that General Lawton had no use for Communists, and we knew that General Lawton was very unhappy about the fact that he had in these secret laboratories at Fort Monmouth security risks. We had been told that by people who worked under General Lawton, who had worked with him and who knew him. We had no doubts about General Lawton.

Mr. JENKINS. Do you know that General Lawton, when he was finally given free rein, of his own volition and after his own investigation made certain suspensions at Fort Monmouth?

Mr. COHN. He did, sir.

Mr. JENKINS. Now, Mr. Cohn, have you related all of the incidents with respect to October 29 and your trip to Greenglass, or do you care to elaborate upon that?

Mr. COHN. Very briefly, sir, as to what knowledge we gained from Greenglass which becomes important later, again with a brief reference if I may to the public record. Based on the information which we received from David Greenglass on that day, we have drawn up a question-and-answer deposition which he swore to and which has become a part of the records of the subcommittee, in which he described the fact that there had been espionage in the Army Signal Corps and that such activities might possibly still be continuing.

In other words, that all the members of the ring had not been apprehended, but he said—I am not going to read it. If I may I will just read a sentence or two from it.

Mr. JENKINS. Very well.

Mr. COHN. It speaks for itself.

Mr. Greenglass was asked the question: "Did you learn"—sir, as I said, he himself had been a Communist spy and had admitted it and was helping the FBI and the Government.

Mr. JENKINS. And we understand now undergoing a life sentence.

Mr. COHN. I think it is a 15-year sentence.

Mr. Greenglass was asked this question:

Question. Did you learn if there was espionage in the Army Signal Corps?

Answer. Yes. I learned that there was espionage in the Army Signal Corps. I learned that the Rosenberg ring took and obtained secrets from the Army Signal Corps and transmitted them to Russia.

Question. Will you give us some of the details concerning your knowledge of espionage in the Signal Corps?

Answer. Yes. Rosenberg told me that the Russians have a very small and very poor electronics industry (this is of course another name for the radar industry) and that it was of the utmost importance that information of an electronics nature be obtained and gotten to him. Things like electronics valves (vacuum tubes), capacitors, transformers, and various other electronic and radio components were some of the things that he was interested in.

Rosenberg also told me that he gave all of the tube manuals he could get his hands on to Russia, some of which were classified "top secret."

Continuing, he said:

About 1947, at a time when it was a top United States scientific secret, Julius Rosenberg told me about information he had obtained from a friend relating to a thinking machine which would send out interceptor guided missiles to knock out an enemy's guided missiles which had been detected by our radar and its course predicted by our thinking machines. Rosenberg was discussing this information with me, as I said before, when it was a top American scientific secret.

Of course, it must be remembered that Rosenberg was employed by the Signal Corps during World War II and worked at Fort Monmouth and at other places which were working on prime or subcontracts for the Signal Corps such as the Emerson Radio Corp. At one time, too, Rosenberg was an inspector for the Signal Corps.

After the war, when Rosenberg and I were in business together in New York, Rosenberg used his Signal Corps contacts in attempts to obtain contracts for Pitt Machine Products and the G. & R. Engineering Co.

I am winding this up.

As a matter of fact, Julius Rosenberg made a number of trips to Signal Corps offices in Philadelphia for this purpose.

Once, when I questioned Julius about the necessity of the frequent Philadelphia trips, he answered that not only were the trips necessary for company business, but also because he had to see his espionage contacts.

Question. Did Rosenberg tell you anything about working on the proximity fuse while he was at the Signal Corps installation at Emerson?

Answer. Yes. Rosenberg told me that while he was at the Signal Corps at Emerson he stole the proximity fuse and gave it to the Russians.

Greenglass then goes on to describe how Rosenberg accomplished this step. I won't do that now.

Mr. JENKINS. Mr. Cohn, from what have you been reading?

Mr. COHN. I have been reading from a sworn deposition by David Greenglass, which is in evidence before the McCarthy committee, and—I won't go on with that description. Greenglass goes on.

Mr. JENKINS. Was that a deposition taken by the McCarthy committee?

Mr. COHN. It was.

Mr. JENKINS. It is not the testimony given by Greenglass in court against his brother?

Mr. COHN. No. We wanted Greenglass to actually come and testify before the committee. The Justice Department would not permit it, but they did permit us to take a deposition. The last question, Mr. Jenkins, and I think it is significant, is this:

Question. When did the operation of the Rosenberg ring which had as its purpose the obtaining of radar secrets for Russia stop?

Answer. As far as I know, these operations never stopped, and could very possibly be continuing to this very day.

And there are further details in the Greenglass testimony.

Mr. JENKINS. What action, if any, did Senator McCarthy take on or about the 5th day of November, with reference to making a statement about continuing his investigation or holding hearings, either executive or public hearings, on Fort Monmouth?

Mr. COHN. Well, on the 5th of November, which was the day before this luncheon in Mr. Stevens' office, Senator McCarthy stated publicly that it was his firm intention to hold public hearings on Communist infiltration at the Fort Monmouth Army radar laboratories.

Mr. JENKINS. Were those statements or was that statement carried in the press?

Mr. COHN. It was, sir.

Mr. JENKINS. Given wide circulation?

Mr. COHN. Sir, if I without reading might insert in the record two articles, 1 from the New York Herald Tribune, and 1 from the Washington Times Herald, saying in starting:

A full exposure of Communist espionage activities at the Signal Corps laboratories and radar center at Fort Monmouth, N. J., was promised yesterday by Senator Joseph R. McCarthy, when he begins hearings at the United States Courthouse.

and so on. May I file those for the record?

Senator MUNDT. Will you identify them by date?

Mr. COHN. Surely. The two stories are dated Friday, November 6, 1953. They refer to statements made by Senator McCarthy on Thursday, November 5, 1953.

Senator MUNDT. Without objection they will be filed as exhibits. I think they are 28 and 29.



(The above-referred documents were marked for identification as "Exhibits 28 and 29" and will be found in the appendix on pp. 1651 and 1652.)

Mr. JENKINS. Now, Mr. Cohn, in view of previous testimony, I don't think it would be denied by anyone that there was a luncheon in the Pentagon in the Secretary's office on November 6?

Mr. COHN. It certainly will not be denied by me, sir.

Mr. JENKINS. I want the Roy M. Cohn version of that luncheon. We have heard from Mr. Stevens, we have heard from Mr. Adams, and now we want to hear from Mr. Cohn with respect to that particular meeting.

Mr. COHN. I will tell you what went on as best I recall it, sir. The luncheon was arranged by Mr. Adams. He said at the request of Mr. Stevens. Mr. Adams had been talking to us on October 21 and on subsequent occasions about what could be done to stop hearings and the investigation of our committee at Monmouth.

He indicated that he and Mr. Stevens would be very much pleased if we could work out some way of stopping it, that it was not helping either one of them.

Mr. JENKINS. Had the Senator's declaration of November 5 been carried in the press prior to the invitation of Mr. Adams?

Mr. COHN. No; I think actually the invitation was before that, sir.

Mr. JENKINS. Very well.

Mr. COHN. I would say 2 or 3 days, I don't remember just when, prior to November 6, Mr. Adams called me, I believe it was, although I have no clear recollection of the call, just when it was, Mr. Adams called me, and he said couldn't he and Mr. Stevens get one more crack at the Senator before these hearings got underway, and Mr. Stevens would be deeply appreciative if a little luncheon could be held at his office so that the matter could be discussed. I called the chairman, Senator McCarthy, and asked him about it. He said, sure, if Mr. Stevens thinks there is something he wants to talk to him about, he would be glad to have lunch with him. The meeting was set up. Senator McCarthy was expected, the Senator was expected, Dave Schine was expected, Frank Carr was expected, I was expected.

Mr. JENKINS. Why do you say Dave Schine was expected?

Mr. COHN. Because he was.

Mr. JENKINS. Who named the guests, the invitees?

Mr. COHN. As I recall, it was Mr. Adams.

Mr. JENKINS. So you and the Senator and Dave Schine and Frank Carr, being four in number, were invited to attend this luncheon at the Pentagon on November 6?

Mr. COHN. We were.

Mr. JENKINS. And you say the prime purpose was to get one more crack at the Senator in an effort to get him to call off the investigation of Fort Monmouth?

Mr. COHN. That is the substance.

Mr. JENKINS. Who attended the luncheon?

Mr. COHN. From our side, there was the Chairman, Frank and myself.

Mr. JENKINS. Why did not Dave Schine attend the luncheon?

Mr. COHN. I don't remember, sir. I remember there were two or three reasons. I remember we passed the invitation on to him. He had had an illness in his family, No. 1, and No. 2, he had been inducted



into the Army and he had some reservations about going down to the Secretary's office and having lunch with him.

Mr. JENKINS. What happened at the luncheon on November 6?

Mr. COHN. Do you want that in detail?

Mr. JENKINS. I think it would be well; certainly the substance and important facts salient to the issue.

Mr. COHN. It is the only time I had lunch at Mr. Stevens' office and I do remember rather well what happened there. I know that Frank Carr and I arrived before Senator McCarthy and then the Senator came. Luncheon places were set for us and for Dave Schine. He did not—Dave, as I explained, did not come. Mr. Stevens asked where he was.

Mr. JENKINS. Mr. Cohn, do you remember distinctly that there were 6 plates or chairs or places for 6 people at that table that day?

Mr. COHN. I don't remember the number six, Mr. Jenkins. What I do remember is that there was a vacant place at the table. One more had been expected than arrived. I remember Mr. Stevens asking if Dave were not coming. I think Mr. Adams said something to the effect that no, I had told Mr. Adams that Dave probably wouldn't be down. I also remember, since we have been talking about pictures, that Mr. Stevens said that a couple of photographers at the Pentagon had wanted a picture of him, the Secretary, with Dave, who had just been inducted as a private, and he had told them that he expected Dave for lunch and thought the picture could be taken then.

Mr. JENKINS. By Dave, you mean Dave Schine?

Mr. COHN. Dave Schine.

Mr. JENKINS. You remember that distinctly?

Mr. COHN. I do.

Mr. JENKINS. And you remember distinctly, Mr. Cohn, positively, definitely, that Schine was invited to be there on that occasion?

Mr. COHN. Yes, sir. I remember I called him and told him that he was invited and expected and he said he did not think he could come. I don't remember how definite he was. I remember telling Mr. Adams that I would be there, that the Chairman would be there, that I would be there, that Frank would be there. I thought I made it pretty clear that Dave would not be there, but apparently Mr. Adams had not relayed that to Mr. Stevens.

Mr. JENKINS. And you say it was the Secretary in person that said he had hoped or expected to have his photograph taken with Dave Schine?

Mr. COHN. Sir, it was not that much of a Federal case, if I can use that term. It was simply a matter, as I understood it, of a couple of photographers at the Pentagon who thought if they got a picture of the Secretary of the Army and of Dave Schine, who had been inducted as a private, that would be a good picture to have. They had made inquiries of Mr. Stevens' office and Mr. Stevens had apparently said that he expected Dave for lunch that day, and that the picture could be taken on that occasion. But when Dave didn't show up, he asked where Dave was and mentioned he had told the photographers they probably could get that picture. I do remember that. There was no—

Mr. JENKINS. Now, what occurred there that day in addition to the things you have detailed?

Mr. COHN. It was a long session.

Mr. JENKINS. As we understand, about a 3-hour session.

Mr. COHN. Yes. It was long, sir.

Mr. JENKINS. We don't want you to consume 3 hours in telling us what transpired there on that occasion.

Mr. COHN. There is no danger of that, Mr. Jenkins.

Mr. JENKINS. Condense that, Mr. Cohn, and tell us the important things of that day.

Mr. COHN. By summary, sir, the important things were this: Mr. Stevens and Mr. Adams wanted to know if there was not some way to stop these public hearings which Senator McCarthy said would be held, wasn't there some way we could get them called off. Senator McCarthy said no, there was no way, that the hearings would be held and that they should be held.

Mr. Stevens next asked if he could know what—get a rundown of the public hearings and see what they were going to show, so he could be prepared for what was to come. He addressed that to Senator McCarthy. Senator McCarthy then—I think Senator McCarthy started giving an outline and then he turned to me and said, or told me in substance to tell Mr. Stevens everything that was going to be brought out at the first public hearing, just sit there and tell him the whole thing. I spent—

Mr. JENKINS. Up to that time, as we understand it, you had never had a public hearing with respect to Monmouth?

Mr. COHN. No, we had not.

Mr. JENKINS. Very well.

Mr. COHN. I went into a detailed review of witnesses we expected to call, testimony that would in all probability be adduced, and things along those lines, showing—I remember I talked about this Green-glass deposition. I remember, Mr. Jenkins, I told Mr. Stevens that our investigation showed that not only had Julius Rosenberg been down at Monmouth, but that probably a majority of members of the Rosenberg spy ring had at one time or another worked at the Army Signal Corps and specifically down at Fort Monmouth, which was a pretty good indication as to how important the Russians thought those laboratories were. I told Mr. Stevens that evidence we had showed that friends and associates of Julius Rosenberg and other members of his ring, had still been at Monmouth in the year 1953, that a group of them had moved out of Monmouth, but that that didn't mean much, because they had moved into the Federal Telecommunications Laboratory, which was a company doing subcontracting work for the Army Signal Corps at Fort Monmouth, so that they were doing just about the same thing at another place.

I remember that we told Mr. Stevens that one drastic example of this is the case, and it is a public record, of a man named Joseph Levitsky, for whom Julius Rosenberg was the contact, who was employed with the Federal Telecommunications Laboratory, and that Joseph Levitsky had been working at the Federal Telecommunications Laboratory right down to 1953, even though his employment application showed for all to see that Julius Rosenberg was 1 of the 3 people who got him the job.

And there are a lot of other examples. It showed a very, very disagreeable situation of Communist infiltration over a period of time, and of the presence of security risks.

I gave that outline to Mr. Stevens.

Mr. JENKINS. Did the Secretary express any surprise at the fact that such conditions existed, Mr. Cohn?

Mr. COHN. I don't know that he was surprised, sir. He was disturbed.

Mr. JENKINS. Was it made known to him that you intended to continue your work at Fort Monmouth and to have these open sessions?

Mr. COHN. Yes, sir. As a matter of fact, Senator McCarthy went further. He said that even more important to him than the exposure of individual Communists or security risks was the exposure of people within the Department of the Army who had covered up the security risks and Communists and had made it possible for them to continue on the job until the committee came along.

Mr. JENKINS. Mr. Cohn, what was said by either the Secretary or Mr. Adams on that occasion, designed to persuade or influence you to not hold these open hearings on Fort Monmouth?

Mr. COHN. Sir, I don't know anything about a design, but after this recital was completed, I recall that Mr. Stevens got up and turned to Senator McCarthy and said, in effect—I don't remember his exact words—"Senator"—

Mr. JENKINS. Just one minute, Mr. Cohn. I don't hear you. What was it the Secretary said?

Mr. COHN. He said in substance—

Mr. JENKINS. Can you compete against that? Try the third time now.

Mr. COHN. Mr. Jenkins, the Secretary stood up and addressed himself to Senator McCarthy and said words to the effect: "Senator, if you go through with these hearings, they will be public hearings, and if you go into this loyalty setup and everything else, I will have to resign as Secretary of the Army. I have been here for 10 months. A lot of the people involved have been serving under me, and it is my responsibility, and I am just going to have to resign."

Mr. JENKINS. Mr. Cohn, are you definite and positive that the Secretary made such a statement as that?

Mr. COHN. I am, sir, and I think he has admitted that he has on this witness stand, although there might be some difference.

Mr. JENKINS. In the version?

Mr. COHN. In the terminology.

Senator MUNDT. Mr. Welch has reminded the Chair that we are at the seventh inning, so we will take a 5-minute recess at this time.

(Brief recess.)

Senator MUNDT. The committee will come back to order. I am sure that the Chair need not admonish the audience about the rule with which you are familiar, against any audible manifestations of approval or disapproval, because I feel that most of you who were here before the recess are the same folks who are here now.

Mr. Jenkins, you were interrogating—I do not see the witness.

The witness will please take his seat now, and we will continue with the interrogatory.

Mr. Jenkins was in the process of direct examination of Mr. Cohn in connection with the luncheon in the Pentagon taking place on November 6. He will pick up the evidence at the place where he left off.



Counsel Jenkins, you may proceed.

Mr. JENKINS. Now, Mr. Cohn, we were at the Pentagon on November 6 at the luncheon?

Mr. COHN. Yes, sir.

Mr. JENKINS. And that was when we took a recess. You had recounted the events up to the point where you said the Secretary of the Army stated that if these investigations continued, he would have to resign as Secretary of the Army.

Mr. COHN. Yes, sir. He said that, to Senator McCarthy and Senator McCarthy replied.

Mr. JENKINS. Do you recall what Senator McCarthy's reply was?

Mr. COHN. Yes, sir, I do, sir.

Mr. JENKINS. What was it?

Mr. COHN. Well, the tenor of what Senator McCarthy said was that he thought Mr. Stevens was entirely too sensitive on the question of the personal effect it would have on Mr. Stevens. The Senator did not agree that it would be that much of a personal reflection on Mr. Stevens. He thought if Mr. Stevens did a housecleaning job, that he had no reason to be personally concerned.

Mr. JENKINS. Did at that time Senator McCarthy indicate that he would desist from further investigation, or desist from holding public hearings with respect to Fort Monmouth, Mr. Cohn?

Mr. COHN. No.

Mr. JENKINS. Now, Mr. Cohn, an allegation is made and one that the committee may consider a very serious allegation, the allegation being by you and Senator McCarthy that on that occasion, November 6, Mr. Stevens made some remark or made some statement about your desisting from further investigation of Fort Monmouth and going after the Navy and the Air Force. I want you to tell as nearly as you can this subcommittee precisely what the Secretary of the Army said on that occasion with respect to that subject.

Mr. COHN. Of course, I can't give you the exact words, Mr. Jenkins. The substance was that Mr. Stevens felt if we would look at Communist infiltration in the Navy and the Air Force for the while and give the Army a rest, that that would be welcome.

Mr. JENKINS. What reply was made to that suggestion?

Mr. COHN. The reply by the chairman was a number of points. I remember 1 or 2 of them were that first of all we could not start an investigation, we had no facts warranting such an investigation at that time. It is required before you start investigating someplace you have to have a preliminary investigation, lay the groundwork, and that takes weeks and sometimes months. That second of all we did not even have the information on which to predicate that preliminary investigation, and the Senator did not think that was feasible. He went on to explain that our next investigation was all set anyway, and that that was not of the Navy or Air Force, but involved Communist infiltration in defense plants, the presence of current Communist Party members in defense plants.

Mr. JENKINS. Was that the second time that such a thing had been mentioned in your presence, Mr. Cohn?

Mr. COHN. It is the second time that I recall, sir. There might have been others, but I do not recall them. I specifically recall, at this time I specifically recall November 6.



Mr. JENKINS. Do you recall any other time subsequent to that?

Mr. COHN. Yes.

Mr. JENKINS. Now—

Mr. COHN. I might say that, on the question of following that up, Mr. Jenkins, on the question of information which we were lacking, that Mr. Adams did make a comment that there was no problem about that, that he could get us the information.

Mr. JENKINS. Yes. That, as we understand it, is the occasion of the map incident?

Mr. COHN. No, sir; that is not. That was at the same November 6 luncheon.

Mr. JENKINS. What did Mr. Adams say on that occasion?

Mr. COHN. The substance of what he said was that he could help us get information on the Navy and Air Force. I might say that the conversation changed when the Senator mentioned that our next investigation was of Communist infiltration in defense plants, because Mr. Stevens or Mr. Adams immediately said that if we were to investigate Communists in the defense plants, that that might involve the Defense Department itself, Defense Department personnel, and that that would be very helpful to Mr. Stevens because it would remove the Army as the sole object of the committee's investigation on Communist infiltration in the military.

Senator McCarthy, I remember, said "Well, we had that investigation planned, we were all ready on it, we were going to go ahead on it, and if doing that simultaneously was going to ease Mr. Stevens' personal situation or make Mr. Stevens feel better about it, Mr. Stevens would be the beneficiary of us going ahead with the Communist infiltration of defense plants."

Mr. JENKINS. Had or not you then projected such an investigation looking to defense plants?

Mr. COHN. We had, for some time prior to that.

Mr. JENKINS. And you say the Secretary and/or Mr. Adams expressed delight or satisfaction or pleasure over such an—

Mr. COHN. Yes. They thought that that would spread around the blame a little bit and they felt that would be very, very helpful to them. And Senator McCarthy took the view that we were already on that other investigation, we were going ahead with it, and if running that along at the same time was going to ease Mr. Stevens' situation personally and ease his state of mind, that he was very glad that that would be the result.

Mr. JENKINS. Mr. Cohn, was anything else said of significance or of interest that day, November 6, that would shed any light whatever on your charges against the Army?

Mr. COHN. There were a lot of other things said, sir. Some generals came in. General Ridgway, General Trudeau and General Mudget, and I had to tell the story all over again about our investigation at Fort Monmouth. There was more discussion. There was discussion about Dave Schine, and completing his work for the committee while he was doing Army training, just about as Mr. Stevens and Mr. Adams have reported it. It is a long meeting, but I think I have covered the substance of it.

Mr. JENKINS. Going from November 6 to November 24 and 25, and with particular respect to the proposed removal of General Lawton from Fort Monmouth, I want you to tell the members of this subcommittee what you know about that subject, Mr. Cohn.

Mr. COHN. On November 24, Mr. Adams talked for the first time about definite, concrete plans to remove General Lawton.

Mr. JENKINS. Just what did Mr. Adams say?

Mr. COHN. As I recall it—and bear in mind, Mr. Jenkins, there had been a lot of in-between discussion between the night of November 14 when General Lawton made the statement that I read. There then came the order or instruction that he couldn't go along to Monmouth, and it was apparent that he was in the doghouse. Then on November 24, Mr. Adams came up to New York. We had public hearings on Communist infiltration in the Army radar laboratory—

Mr. JENKINS. I am very sorry to have to interrupt you, Mr. Cohn. We have skipped from November 6 to November 24, have we not?

Mr. COHN. Yes, sir.

Mr. JENKINS. That is quite a period, a period of approximately 2 or 3 weeks.

Mr. COHN. Yes, sir.

Mr. JENKINS. Were there other occurrences between those two dates that would be of interest to the committee insofar as they might shed light upon the issues involved in this controversy?

Mr. COHN. I think there were, Mr. Jenkins. For instance, there was that press conference of Mr. Stevens on November 13, and things like that, but I am sure that that will be covered on cross-examination, and in keeping with your admonition to me that we just keep this down—

Mr. JENKINS. We are talking now particularly about your charges against Mr. Stevens and Mr. Adams.

Mr. COHN. Well, sir, you say "charges." I want to give you the facts.

Mr. JENKINS. All right, then, we will call it statements or allegations. That will be satisfactory.

Then we go to November 24?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, I want to ask you this one question about November 17. That is the date of the photograph which has been introduced here.

Mr. COHN. Yes.

Mr. JENKINS. Were you present when that photograph was taken?

Mr. COHN. I was.

Mr. JENKINS. I will ask you whether or not on that occasion at the McGuire Airfield—is it?

Mr. COHN. Yes.

Mr. JENKINS. Which is adjacent to Fort Dix?

Mr. COHN. Yes.

Mr. JENKINS. I will ask you whether or not on that occasion the Secretary of the Army requested that his photograph be taken with Dave Schine?

Mr. COHN. What happened, sir, was, we got off the plane and Private Schine was standing over with General Ryan and some officers, I believe. The photographer was there. Mr. Stevens called Private

Schine over to his side. I don't suppose he would have come over if he hadn't been called over. And Private Schine stood next to him. They were taking pictures, and Mr. Stevens made a comment about being glad to get a picture of himself and Private Schine. That did occur.

Mr. JENKINS. That did occur?

Mr. COHN. Yes, sir. I heard no remark that Mr. Stevens addressed particularly to the photographer or anything else, but he called, I remember very clearly that he called Dave from where Dave was standing, over to his side to appear in the picture.

Mr. JENKINS. Dave, of course, was then in the Army and was then assigned and physically at Fort Dix?

Mr. COHN. Yes.

Mr. JENKINS. Being assigned to that post?

Mr. COHN. Yes.

Mr. JENKINS. Passing from that now to November 24 and 25, and with particular reference to the proposed Lawton dismissal, I want you to tell the members of the committee what you know about that, what Mr. Adams said about it, what Mr. Stevens said about relieving General Lawton.

Mr. COHN. I didn't see Mr. Stevens on November 24. Mr. Adams came to New York for the open hearings on Fort Monmouth. Apparently he received some communication from Mr. Stevens about General Lawton. I don't remember what time of the day it was, first, sir, but Mr. Adams spoke to me and said to me:

I have some news which I am going to have to break gently to Senator McCarthy.

I asked him what it was. He said to me:

We are now at a point where we are going to get down to business about getting rid of Lawton.

He said he had had word from Mr. Stevens, and that they planned to relieve General Lawton of his command by the next day.

Mr. Adams asked me what I thought Senator McCarthy's reaction would be.

Mr. JENKINS. Did he tell you why they were removing General Lawton?

Mr. COHN. At that point he did not go into any detail, sir. I assume he knew that I knew why they were removing him.

Mr. JENKINS. Had or not he from time to time discussed the removal of General Lawton with you, from October 14 or 15 up to this date?

Mr. COHN. Sir, he had not discussed the actual removal of General Lawton. He had made a good many very derogatory remarks about General Lawton and indicated that General Lawton was in the dog-house with Mr. Stevens.

Mr. JENKINS. Had incurred the displeasure of Mr. Stevens?

Mr. COHN. That is a much better way to put it—had incurred the displeasure of Mr. Stevens.

Mr. JENKINS. Now we want to go into the statement Mr. Adams made on November 24.

Mr. COHN. The first thing he said on November 24—he might have given detail, I don't know—was that Mr. Stevens had made concrete plans to remove General Lawton; that Mr. Stevens had it very much on his mind and was very anxious to get rid of General Lawton and



intended to do so, hoped to be able to do so the next day, but that he first wanted Mr. Adams to broach the subject with Senator McCarthy and wanted to know whether or not Senator McCarthy would make a public issue out of General Lawton's dismissal.

Mr. ADAMS asked me my opinion in the matter. I gave it to him. Mr. JENKINS. What was your opinion?

Mr. COHN. My opinion was that Senator McCarthy would know that it was a reprisal against General Lawton for his cooperation with the committee and for the prompt action which he had taken, and that Senator McCarthy would not like it.

Mr. JENKINS. Very well. Was anything else said on that subject, Mr. Cohn?

Mr. COHN. Yes. Mr. Adams said that the pressure was really on, and he just had to get an answer for Mr. Stevens and had to bring—the substance of it was he had to bring Senator McCarthy around and get Senator McCarthy to agree not to make a public fuss about it if they relieved General Lawton.

Then there was something more that day.

Mr. JENKINS. What was that?

Mr. COHN. That night, if I recall correctly, Senator McCarthy was delivering a coast-to-coast television speech at 11 p. m. on the Harry Dexter White case. Mr. Adams asked during the afternoon sometime where the speech was being held. He said he wanted to come up and talk to Senator McCarthy. We told him where it was being held. As a matter of fact, I think I gave him the wrong address, unintentionally. But eventually he did get to the right place, and he heard the Senator's speech.

After the speech he walked over with us to some other place and on the way he started asking Senator McCarthy whether or not Senator McCarthy wouldn't promise not to make a public fuss about it if they kicked out General Lawton.

Mr. JENKINS. Mr. Cohn, did you get the impression that the sole and exclusive mission of Mr. Adams on that occasion, to New York, was to discuss the General Lawton situation?

Mr. COHN. No. The impression I got, Mr. Jenkins, was that Mr. Adams in all probability would have been in New York anyway.

Mr. JENKINS. Very well.

Mr. COHN. For the public hearings on Fort Monmouth. That, being in New York, Secretary Stevens had told him or had called him or something, and told him to use that opportunity to work on Senator McCarthy.

Mr. JENKINS. I want you to tell about the conversation between Mr. Adams and Senator McCarthy.

Mr. COHN. It is hard for me to differentiate between the conversation that night and the next day, because it continued right on through. So I could lump those two periods together, Mr. Jenkins, the night of the 24th and the morning and noon of the 25th, I could tell you what happened.

Mr. JENKINS. You may do so.

Mr. COHN. Senator McCarthy questioned Mr. Adams in detail about why they were trying to get rid of General Lawton. Mr. Adams said, well, there were all kinds of stories about him and all kinds of allegations, and he made a speech in which he said that some universi-



ties aren't careful about what they teach in certain subjects, some things along those lines.

Senator McCarthy was not particularly persuaded by this. He said to Mr. Adams, in substance, "Don't kid me about it. I know why you are getting rid of him. I know what you have been saying about him and I know why you are getting rid of him, and I think it is all wrong."

So John wanted to know, conceding all that, what Senator McCarthy would do about it.

Mr. JENKINS. When you say John, you mean John Adams?

Mr. COHN. John Adams. He wanted to know, conceding all those things, what Senator McCarthy would do about it, just how much of a public fuss Senator McCarthy would make about it if they got General Lawton out.

Senator McCarthy, I don't think gave a decisive answer about that. He said words to the effect, "I don't know just what I can do about it, I can't promote or demote a general, or I can't give them a rank or anything else. All I can do is complain, and I don't know whether I can complain before my own committee or whether I have to complain to the Armed Services Committee, or whatever it might be. But I think it would be a very unfortunate thing for Mr. Stevens to do because it would be a signal to other people in the Army throughout the country that a great general was being punished for cooperating with a committee investigation designed to oust Communists from secret places, and I don't think it should be done. That is my advice."

That afternoon, November 25, there was an awful lot of discussion back and forth about it. Mr. Adams—

Mr. JENKINS. Ranging over a period of how long?

Mr. COHN. Ranging during the 24th and up to the early afternoon of November 25.

Mr. JENKINS. Mr. Cohn, you heard the Secretary state there on the witness stand that Lawton was a great general; did you not?

Mr. COHN. I did.

Mr. JENKINS. And you say that he was at all times most cooperative with the committee in its work in ferreting out Communists and subversives?

Mr. COHN. He was.

Mr. JENKINS. Do you know of any reason why either the Secretary or John Adams would have wanted to relieve General Lawton of his command at that sensitive plant except as a retaliatory measure for his cooperation with your committee?

Mr. COHN. The reason was because he was displeased with him because of his cooperation with our committee and because of the fact that he had taken a strong stand on the mishandling of the security and Communist problem by people in the Army.

Mr. JENKINS. I didn't mean to cut you off, Mr. Cohn, in your recitation of all of the conversations that occurred between Mr. Adams, you and the Senator, on November 24 and 25. You say it extended through a part of the night?

Mr. COHN. Through the night of the 24th and on the 25th up until the afternoon, the early afternoon, before the hearing of the 25th. It ended just before the hearing when Mr. Adams telephoned Mr. Stevens in my presence.

Mr. JENKINS. Do you know, as a matter of fact, that General Lawton was not relieved of his command?

Mr. COHN. I know that he has not been formally relieved of his command, sir. I think that, as a technical matter, they have seen to it he is not around much now.

Mr. JENKINS. Do you know, Mr. Cohn, that he was not promoted in that he was not given a permanent assignment of the rank he now holds?

Mr. COHN. Mr. Jenkins, when we were riding back from Fort Monmouth, I think it was the night of October 22, although I could be off on the date, the chairman and I were riding with General Lawton in his car. We had been holding hearings at Monmouth during the day, and we were going to hold hearings in New York that night. General Lawton came back to sit in at the hearings. There was a discussion between the general and Senator McCarthy about the general's status. The Senator complimented the general on the wonderful cooperation he had given us, and told the general he thought the general was a great American because of the firm stand he had taken on these Communists and security risks. General Lawton told the Senator words to the effect, "Yes, but that stand will cost me my promotion and I will be lucky if I survive much longer out here at Fort Monmouth." Those words turn out to be somewhat prophetic.

Mr. JENKINS. He is not at Fort Monmouth?

Mr. COHN. I don't know just what his status is now, sir. I have heard that they told him he was sick when he felt well, and that he was assigned to a hospital.

Mr. JENKINS. As a matter of fact, he is out here at Walter Reed Hospital, is he not?

Mr. COHN. I heard they first sent him to a hospital and after he got to the hospital and was feeling fine, they told him to take sick leave from the hospital. Apparently, the last I heard, he is now on sick leave from the hospital.

Mr. JENKINS. And he was not permanently assigned to his present rank?

Mr. COHN. He was denied promotion.

Mr. JENKINS. Mr. Cohn, what is the significance for the benefit of those who do not know, and I am sure there are many who do not know, in not assigning a general—let us say a major general, to the rank of a permanent major general.

Mr. COHN. Sir, General Lawton was on a list for promotion to the permanent rank of major general. That promotion was denied to him. If it had been granted, it would have made it possible for him to stay in the Army for an additional period of time. But denying the promotion, it means he will have to retire that much sooner. That is the way I understand it.

Mr. JENKINS. Do you know how much additional time it would have meant to General Lawton to stay in the Army?

Mr. COHN. I do not know the exact number of years.

Mr. JENKINS. I don't know; I am asking you.

Mr. COHN. I don't know the exact amount.

Mr. JENKINS. Mr. Cohn, what do you know about a telephone conversation in the early part of November in which Mr. Adams called General Lawton on the telephone and made certain requests of him

with respect to withdrawing the general's recommendation for the suspension of certain subversives at Fort Monmouth? You heard Mr. Adams' testimony on that?

Mr. COHN. Yes, I did.

Mr. JENKINS. You heard him admit that?

Mr. COHN. He did.

Mr. JENKINS. What do you know about that? When did you find out about it?

Mr. COHN. I don't think I found out about that particular phone call until these hearings. What I did know, Mr. Jenkins, is that not only Mr. Adams but various other emissaries from the Secretary's Office and from the Army had been going to General Lawton and trying to tell him to keep quiet, to keep his nose out of things, and had been making suggestions that certain security risks should not be suspended, and various other things along those lines. I was aware of that general situation. I didn't know about that particular phone call until this hearing.

Mr. JENKINS. I will ask you this question: Did you hear me ask Mr. Adams whether or not he called General Lawton in the early part of November 1953, and asked, in substance, whether or not General Lawton could see his way clear to withdraw certain cases which he, General Lawton, had recommended for removal as bad security risks, at which point General Lawton refused to do so, stated that he would not, and that the Secretary of the Army would have to take the responsibility for such withdrawals. Did you hear that testimony?

Mr. COHN. I did.

Mr. JENKINS. Do you know of any reason why Mr. Adams, counsel for the Army, would make that request of a general of the Army in a sensitive plant such as Fort Monmouth?

Mr. COHN. I would rather not comment on that, sir.

Mr. JENKINS. Now, Mr. Cohn, have you told all you know about the Lawton incident?

Mr. COHN. The Lawton incident? No.

On November 25, at about two in the afternoon, or so, I don't know the exact time, Mr. Adams, after a final attempt to get Senator McCarthy to say he would not make an issue out of this, called up Mr. Stevens on the telephone. He called Mr. Stevens from the anteroom of the hearing room at the United States courthouse, courtroom 110, and I heard Mr. Adams tell Mr. Stevens that Senator McCarthy was, in effect, Senator McCarthy thought it would be very unwise to relieve General Lawton, and that the Senator was not running the thing, running the Army, but he certainly felt if his advice was being sought it was a bad mistake and things along those lines.

It was a friendly conversation with Mr. Adams. It was friendly but the Senator was firm. That is the substance of what happened on November 25. For the time being, but not for long, the Lawton situation was dropped.

Mr. JENKINS. Well, was the Lawton situation ever brought up again, Mr. Cohn?

Mr. COHN. Yes.

Mr. JENKINS. When and under what circumstances? What occurred?



Mr. COHN. The Lawton situation was mentioned a number of times between then and the 16th of December, and the 17th of December.

Mr. JENKINS. By whom?

Mr. COHN. By Mr. Adams. I had no conversations with Mr. Mr. Stevens about it.

Mr. JENKINS. In what connection was it brought up?

Mr. COHN. The connection was they were working on—Mr. Adams was working on Senator McCarthy to get the Senator's promise of silence, if General Lawton were relieved of his command.

Mr. JENKINS. Still trying to get him relieved?

Mr. COHN. Very much so.

Mr. JENKINS. Up to and including, you say, December 17?

Mr. COHN. I think it went even past that. I have personal knowledge of events on December 17.

Mr. JENKINS. I want you to tell this committee all of the personal knowledge you have on the particular area of inquiry we are now exploring about the removal of this general.

Mr. COHN. Yes, sir.

Mr. JENKINS. Starting on the 25th of November and coming right on down.

Mr. COHN. I can give you no specific dates or conversations between November 25 and December 17. There were conversations, Mr. Adams kept pressing for assurance that the Senator would say nothing, wouldn't make an issue out of it, if General Lawton were removed.

The thing came up again very actively on the 16th and 17th of December. On the 16th I know that Mr. Adams talked to Senator McCarthy directly about it and told Senator McCarthy, I believe, that there was a new target date set by Mr. Stevens for removing General Lawton, and that that target date was January 1.

Mr. JENKINS. Where was that conversation?

Mr. COHN. I was not there, sir. I believe it took place in the United States courthouse in or about courtroom 110 where an executive session on Fort Monmouth or Communists in defense plants was underway.

Mr. JENKINS. Did the Senator impart that knowledge to you?

Mr. COHN. That knowledge was imparted to me by the Senator; yes.

Mr. JENKINS. By the Senator. That was as late as December 17?

Mr. COHN. That was the 16th. On the 17th I have personal knowledge.

Mr. JENKINS. All right. What occurred on the 17th. We are still talking about this general.

Mr. COHN. The 17th, Mr. Jenkins, which is the day of that famous luncheon and car ride uptown which Mr. Adams described so vividly, as you might recall, on that day——

Mr. JENKINS. I want you to describe as vividly as you can, Mr. Cohn——

Mr. COHN. I am not as good at it, sir.

Mr. JENKINS. There might be a division of opinion on that assertion, too.

Mr. COHN. Sir, what happened——

Mr. JENKINS. You are not entirely inarticulate, and I don't think counsel for the Army would be accused of such.

Mr. COHN. All right, sir.



Mr. JENKINS. Now I want you to tell what statements were made by Mr. John Adams on the 17th day of December about removing this great general from Fort Monmouth.

Mr. COHN. I will tell you, sir, what he said and what we did about it.

On the morning of the 17th sometime, Senator McCarthy told me that Mr. Adams was at it again and was pressing the Senator for a promise of silence if General Lawton were removed. The Senator was becoming pretty much disturbed about it at that point, and frankly, sir, so was I.

Mr. JENKINS. Let's get it straight, Mr. Cohn. This had been going on since the 14th day of October?

Mr. COHN. That is right.

Mr. JENKINS. Am I right?

Mr. COHN. Yes.

Mr. JENKINS. November, December—for more than a period of 2 months' time.

Mr. COHN. Yes.

Mr. JENKINS. Very well.

Mr. COHN. On the 17th, after the Senator told me that Mr. Adams had advised him of a new target date for removing General Lawton, we all went out to lunch and we went over to Gasner's Restaurant to have lunch. I was present. The chairman was present. Frank Carr was there. At the beginning of the luncheon two friends, two personal friends of Senator McCarthy were there. They left shortly after the luncheon commenced. I don't know if they heard part or all of the conversation. They might well have.

Senator McCarthy had told me about Mr. Adams' plan for General Lawton. The others had preceded me to the restaurant. When I got there, I brought the subject up as I think Mr. Adams conceded on the stand I did. I said, "Mr. Adams," remarked to the effect, "I understand you are after General Lawton again."

Mr. Adams confirmed that and said that January 1 was the new date which had been set for General Lawton's removal. He said that a successor to General Lawton had already been picked and that he and Mr. Stevens were determined to get General Lawton out.

Mr. JENKINS. Did he tell you who the successor was?

Mr. COHN. I believe he did, sir. I don't recall the name. I haven't taken the time. If I could go over a list of available generals, I might be able to do that. He did mention a name.

Mr. Adams made it very clear that they meant business about it this time. We had following that a very animated discussion and argument about this whole situation. I told Mr. Adams that I thought the way they were going after General Lawton was a perfectly disgraceful thing; that his only sin, as far as I knew, had been that of fighting communism and fighting it hard, and of cooperating with this committee, and of telling the truth when he testified before the committee on where the blame belonged for not doing anything about the security risks in the radar laboratory.

Mr. JENKINS. What other, if any, accusations did Mr. Adams make against the general at this time?

Mr. COHN. He started out by saying there were other things, too.

Mr. JENKINS. Did he particularize and tell you what they were?

Mr. COHN. Yes. He mentioned this university thing again, I believe. He said General Lawton's judgment had not been good; that

some of the people General Lawton had selected for his staff had made a poor impression upon Mr. Adams. He started off giving those reasons.

Senator McCarthy stopped Mr. Adams while he was giving the reasons.

Mr. JENKINS. Mr. Adams stated that General Lawton had made a poor impression upon him, Adams, is that what you say?

Mr. COHN. Mr. Adams said that some of the people General Lawton had picked for his staff had made a poor impression on Mr. Adams. Mr. Adams had made it clear that General Lawton personally had made a poor impression on Mr. Adams. I think he said that he had sent for General Lawton on a couple of occasions and General Lawton had been in his office and had not impressed Mr. Adams.

Mr. JENKINS. Mr. Cohn, while we are pursuing that subject do you know of any jurisdiction whatever that either you or the Senator from Wisconsin had with respect to the promotion or the demotion or the removal of an officer in the Army?

Mr. COHN. The only jurisdiction in this case, sir, was putting the case to the people of the United States. As a matter of fact, there was a discussion about that right then and there. Mr. Adams started giving these reasons, and Senator McCarthy cut him off with words to the effect, "Well, John, there are always a lot of reasons you can give when you want to do something, but you have made no secret out of the fact before that you and Mr. Stevens don't like General Lawton, and he has cooked his goose and now you have heard him testify before us that until we came along no effective action had been taken."

Mr. JENKINS. Did you ever hear of a Secretary of the Army going to a United States Senator to get his advice about the promotion or demotion or removal of one of his generals in the Army—

Mr. COHN. No, sir.

Mr. JENKINS. Until this matter came up?

Mr. COHN. I recall none, sir.

Mr. JENKINS. Very well.

Now, Mr. Cohn, we are talking about now the 17th day of December in New York City.

Mr. COHN. At that luncheon Senator McCarthy interrupted Mr. Adams and said something to the effect, that "Let's save a lot of time here, John. There are always a lot of reasons you can give when you want to do something, but you have been frank with us before and General Lawton cooked his goose when he told the committee that until we came along he was stuck with these security risks and it is only after we came along that some people in your place woke up."

The Senator went on and questioned Mr. Adams on that.

Mr. Adams was pretty frank about it. He said to us:

How would you people like it if somebody working for you told us that you weren't doing a good job? You wouldn't want him around, would you?

Things to that effect.

Mr. Adams then brought up the point of what the Senator would do about it. On that the Senator said that he did not know what he could do about it, that he couldn't order the Secretary or in any way change the action of the Secretary in removing General Lawton, that it would seem to him—Well, at the beginning he said, "I don't know what he could do about this." I pointed out to Senator

McCarthy then that he could do about that what he had done about the case of a State Department employee in another investigation we had. This employee testified before our committee, and when he got back to his job he found that it had been changed and he no longer had a good job, but he was out pounding the pavement again.

Senator McCarthy called the Under Secretary of State, General Smith, before the subcommittee, and asked him whether he thought it was right to take reprisal on someone who had cooperated with the committee. General Smith did not think it was right. The man was reinstated.

I pointed that out to Senator McCarthy, and I told the Senator that unless we could protect in some way the people who had cooperated with us in this type work and the exposure of Communists and security risks, that our committee, the investigating committee, would not long be in business, nor would the FBI or any agency like that.

I think the Senator was in agreement with those views.

We left the restaurant and we got into the car and Mr. Adams was going to this train.

I am sure I offered to drive him up to the station. Do you want me to go into that car ride, Mr. Jenkins?

MR. JENKINS. Well, Mr. Cohn, we are not ready for the car ride except as it relates to any conversations on the part of Mr. Adams with respect to relieving this general.

MR. COHN. Well, it was continued in the car. Mr. Adams said he had to give Mr. Stevens an answer, and he wanted to give him the right answer, and that General Lawton had to go January 1, that he and Mr. Stevens did not want General Lawton around any longer.

MR. JENKINS. Who was present in that car ride?

MR. COHN. The Senator was there, I was there, Frank Carr was there.

MR. JENKINS. The four of you?

MR. COHN. The four of us.

Now, Mr. Adams—after Mr. Adams left the car, and I might say he left under a lot happier circumstances than he has described here—the Senator and Frank and I continued the discussion. Senator McCarthy was pretty much exorcised about that at the time and he told Frank and myself that he had taken just about enough on this Lawton situation and that he was going to communicate directly with General Lawton and tell the general that he would stand behind him and, if necessary, I believe, would call General Lawton before this in public session, and bring out that the General was, although a great general and one who had done an outstanding job here, was being made the object of a reprisal because of what he had done. The Senator was leaving to make a speech, he was going to catch a plane, and he told me to make sure that the message got through, not to rely just on him calling General Lawton, but that I myself should contact General Lawton or General Lawton's aide and let the general know what Mr. Stevens and Mr. Adams were trying to do to General Lawton.

MR. JENKINS. The aide being Lieutenant Corr?

MR. COHN. Then Lieutenant Corr and now Captain Corr.

MR. JENKINS. Did you do so?

MR. COHN. I did.

MR. JENKINS. When?

MR. COHN. That very night.



Mr. JENKINS. What was said?

Mr. COHN. I placed a telephone call to General Lawton. I don't believe I reached him. I did reach Lieutenant Corr. I have the phone slip of the telephone call to General Lawton dated December 17, 1953, at, I think, six something in the evening, made from my home phone in New York to Fort Monmouth.

Mr. JENKINS. In substance, what message did you give then Lieutenant Corr, Mr. Cohn?

Mr. COHN. I told Lieutenant Corr that we had had a lunch and discussion with Mr. Adams and apparently Mr. Adams and Mr. Stevens were very determined to take it out on General Lawton, and that Senator McCarthy wanted General Lawton to know that the Senator believed in General Lawton and what he had done, and the Senator would recommend that the committee and the public know the story if General Lawton were removed. And I told Lieutenant Corr that I had been instructed by the Senator to furnish full details of what was afoot to General Lawton.

The Lieutenant said, "I would like to talk to the general about this. May I do this and may I call you back?"

Mr. JENKINS. Mr. Cohn, is that the first time to your knowledge that either you or the Senator or anyone on your staff had appraised this general of the fact that they were after him?

Mr. COHN. Except for the discussion in the car riding back that night and for occasional conversation in which it was clear that General Lawton was gradually being removed from the scene by being ordered to stay away from hearings and not to go on this Greenglass trip, I believe that this was the most specific conversation that night and the next day, December 18, that I had with General Lawton's staff.

Mr. JENKINS. I want you to tell the committee about the conversation of the 18th.

Mr. COHN. Yes, sir. Lieutenant Corr told me that he had talked with the general and received permission to listen to what I had to say. I invited Lieutenant Corr to come in to New York to see me the next day, December 18.

Mr. JENKINS. Very well. Now, I want you to tell about the conversation and the events of December 18.

Mr. COHN. Lieutenant Corr, I believe it was December 18, came to see me. It was around lunchtime, he met me and we went out to lunch, and we had a long talk. In the course of that talk, I told Lieutenant Corr about the luncheon with Mr. Adams the previous day, I believe, about the argument we had had about General Lawton, about what Mr. Stevens and Mr. Adams were trying to do to General Lawton, and I discussed some of these other charges which Mr. Adams had made against General Lawton and asked Lieutenant Corr what he knew about them. And Lieutenant Corr said that he, of his first-hand knowledge, knew them to be untrue, that General Lawton had always done an outstanding job, had been a great American, and a great general and a great commanding officer. I discussed this at some length with Lieutenant Corr, and at the conclusion of the conversation I asked Lieutenant Corr if, by any chance, Senator McCarthy did not get through to General Lawton on the phone. I asked Lieutenant Corr to convey to General Lawton the respects of the Senator, and the fact that the Senator believed General Lawton had done an outstand-



ing job for this country in trying to protect the secret radar laboratories at Fort Monmouth and that if he were to be punished for that job, he would not be without defenders. That was the substance of my conversation with Lieutenant Corr on December 18.

Mr. JENKINS. Mr. Cohn, does that complete the General Lawton story?

Mr. COHN. To this extent, sir: There were other conversations thereafter. The January 1 target date was set. Senator McCarthy asked me about it. It turned out, by the way, sir, that he had reached General Lawton on the telephone and had spoken with him himself, too, so General Lawton had worked in both ways. There was more discussion with Mr. Adams. The upshot of it was Senator McCarthy was going to make a fight if action were taken against General Lawton.

Mr. JENKINS. Now, Mr. Cohn, I want you to tell the committee about a map of December 9, which was drawn on approximately that date.

Mr. COHN. Yes. It was, as best I can fix it, the 8th or the 9th. It was those couple days when we had the Aaron Coleman public sessions of the committee down here.

Mr. JENKINS. Where did that incident take place?

Mr. COHN. The incident started in the corridor outside of room 101 after the hearing and continued inside the room.

Mr. JENKINS. Without my asking you specific questions now, Mr. Cohn, just start in the beginning and chronologically relate to the committee the incidents of that day in which this map figures.

Mr. COHN. Well, there were a number of incidents that, day sir. As far as the map is concerned—

Mr. JENKINS. Let's start with the first incident that day, whether it is related to the map or whether it isn't.

Mr. COHN. Very well. There was discussion about Schine on that day. Mr. Adams talked to Mr. Carr and talked to me and said that he was close to making a decision on where Schine would go after basic training, and he, Mr. Adams, was very much disappointed that the committee had not stopped its hearings on Fort Monmouth, that they were going on and felt that we had not been giving him, Mr. Adams, any kind of a break.

By the way, he would refer to Private Schine as the hostage, he would and he did, and he did that frequently.

Mr. JENKINS. Since you have now injected the name of Private Schine in your testimony, Mr. Cohn, I want to ask you whether or not, from time to time, over the course of these weeks and months that we have been talking about, Mr. Adams and Mr. Stevens did mention the name of Schine.

Mr. COHN. We mentioned the name to them and they mentioned the name to us, yes.

Mr. JENKINS. I will ask you whether or not, without being specific at this time, from time to time Mr. Adams referred to Schine as hostage.

Mr. COHN. He called him by that name, as the hostage, more frequently than he called him by the name of Schine.

Mr. JENKINS. State whether or not from time to time, while the Secretary and his counsel were attempting to get you to discontinue your investigation of Fort Monmouth, they made certain statements with respect to certain things they expected to or would do for David Schine.

Mr. COHN. As far as Mr. Adams is concerned, the answer is he did.

Mr. JENKINS. That he did?

Mr. COHN. Yes, sir. As far as Mr. Stevens is concerned, any discussions I ever had with him were on a completely friendly basis, and I found him always to be a gentleman and more than courteous to me.

Mr. JENKINS. I will ask you whether or not in these conversations, particularly the ones had with you by Mr. Adams with respect to General Lawton, relieving him of his command, and with respect to you discontinuing the investigation of subversives at Fort Monmouth, whether or not Mr. Adams from time to time brought in the name of David Schine.

Mr. COHN. He did. There were discussions about Schine. They were initiated by Mr. Adams on a number of occasions. They were initiated by me on other occasions.

Mr. JENKINS. There was a mixture of the 2 subjects, an intertwining of the 2 subjects?

Mr. COHN. The two subjects.

Mr. JENKINS. Sometimes brought in by you, you say very frankly?

Mr. COHN. I do.

Mr. JENKINS. And sometimes brought in by Mr. Adams?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, we will ask you more about that later, but I want you to tell the committee now the incidents of December 9.

Mr. COHN. After the Schine conversation, Mr. Adams had fixed in his mind, sir, the idea that there was one particular Army project which we were about to investigate next. There was always something coming up. There was always going to be one which would be next. Frankly, I didn't know what Mr. Adams was talking about at that point. But Mr. Adams thought he knew about something we were about to investigate. He asked me to let him in on it, to tell him what the project was. I told him I could not tell him because I couldn't, I didn't know of any particular one to which he was referring, and when the time came I would certainly tell him about it.

Mr. Adams still thought that I was holding something back, and he said, "I will tell you what I will do." We were still in the hall, by the way. We were on the way down from the hearing room to the office. He took out a pad of paper, a sheet of paper, and drew a map of the United States and divided it into, I believe, 9 or 10—the figure 9 sticks in my mind—9 sections or 9 areas. He said to me—

You mark on this map the location of the Army place which you are going to investigate next, and I am going to mark down the location of an Air Force base where there are a large number of sex deviates which will make some good hearings for your committee.

Mr. JENKINS. Do you know why he resorted to such a circuitous route as that, shall we say, to elicit the information from you?

Mr. COHN. No, sir, that didn't bother me. Mr. Adams was constantly asking us about what we were going to investigate next.

Mr. JENKINS. Did it occur to you at the time that it was somewhat childish to resort to such a method of procedure of trying to elicit information instead of going directly to the point?

Mr. COHN. The fact is, there was a good deal of joking and practical jokes and other kinds going back and forth between Mr. Adams and myself.

Mr. JENKINS. Where was that map drawn?

Mr. COHN. That was drawn in the corridor outside of room 101, and then Mr. Adams walked on into the room with us and the discussion was continued.

I remember that he started drawing the map outside, up against the post outside of the room.

Mr. JENKINS. How many Army areas are there in the United States?

Mr. COHN. I don't know.

Mr. JENKINS. You don't know whether there are nine or not?

Mr. COHN. I do not, sir. I am sure we could find that out.

Mr. JENKINS. Yes.

Anyway, your recollection is—was it a fairly accurate representation of the United States?

Mr. COHN. He drew a map which certainly was intended to be the United States, and the drawing was not that bad. It was the United States.

Mr. JENKINS. And designated, you think, 8 or 9—

Mr. COHN. The number nine sticks in my mind.

Mr. JENKINS. As I understand it, he told you that if you would divulge to him where your next area of operation was, that he in turn would divulge to you an area in which there were homosexuals in the Army?

Mr. COHN. In the Air Force.

Mr. JENKINS. In the Air Force?

Mr. COHN. That is right.

Mr. JENKINS. What did he say, Mr. Cohn, about your going after the Air Force or after these homosexuals?

Mr. COHN. I don't remember any extended discussion about that. He was just going to trade us this piece of information for something that he wanted.

Mr. JENKINS. Did you then have any information about homosexuals in the Air Force?

Mr. COHN. No.

Mr. JENKINS. Did you trade with him?

Mr. COHN. No, sir.

Mr. JENKINS. You didn't strike a bargain?

Mr. COHN. It would not have been necessary for us to make a trade. If there was anything he should have known about, when the time comes, as we always did, we would have been glad to tell him about it. I did not know what he was referring to.

Mr. JENKINS. Was Mr. Carr with you on that occasion?

Mr. COHN. Yes.

Mr. JENKINS. Mr. Cohn, as I recall your testimony, that is the third time that this man Adams suggested to you to go after the Air Force or the Navy?

Mr. COHN. That is right.

Mr. JENKINS. Is that right?

Mr. COHN. That is the third time I recall. There were a number of occasions. It was a constant topic. When I say "constant" maybe that is a poorly chosen word. It was discussed on occasions.



Mr. JENKINS. You heard Mr. Adams' version of the map incident?

Mr. COHN. Yes, I heard his version.

Mr. JENKINS. You say yours is the correct version, is that correct?

Mr. COHN. I do; yes, sir.

Mr. JENKINS. Did anything else occur on December 9 which is of any significance and would shed light on the issues in this controversy?

Mr. COHN. Nothing that I recall offhand.

Mr. JENKINS. When was your next meeting with Mr. Adams or the Secretary?

Mr. COHN. I don't think I ever saw Secretary Stevens after the 17th of November. I don't think I ever saw him or talked to him again.

Mr. JENKINS. You saw Mr. Adams after the 17th of—

Mr. COHN. I did.

Mr. JENKINS. When, Mr. Cohn?

Mr. COHN. After the 17th of November?

Mr. JENKINS. Yes.

Mr. COHN. I would imagine—I don't think I saw him between the 17th of November and some time in January.

Mr. JENKINS. Would that be January 14? Does that date—

Mr. COHN. It might very well have been, sir. I do not know whether I saw him between December 17 and January 14. I do—

Mr. JENKINS. I will ask you whether or not on or about January 14, to refresh your recollection, Mr. Adams came to your office and made some inquiry with respect to what would happen if David Schine were sent overseas.

Mr. COHN. It didn't happen quite that way, sir, but he did come to our office and there was a conversation.

Mr. JENKINS. Well, Mr. Cohn, at that time did or not Adams state anything about the possibility or probability of Dave Schine being sent overseas?

Mr. COHN. He did.

Mr. JENKINS. Did he ask in substance what your reaction would be if such a thing happened?

Mr. COHN. No, sir. He was telling us what his reaction was going to be if other things didn't happen.

Mr. JENKINS. What did he—just tell the conversation in full of January 14, Mr. Cohn.

Mr. COHN. Yes, sir. I have to go back for one brief moment, Mr. Jenkins, on the Loyalty Board. You remember, sir, that I told you that from the 3d of September on at fairly frequent intervals Senator McCarthy had made it clear privately and publicly that until he could get in before the committee the people responsible for the clearing of Communists and people with Communist records, he could not conclude the investigation and could not get down to the bottom of the trouble.

On December 16 we had before the committee in public session a witness named Samuel Snyder. Mr. Snyder had been cleared by this Pentagon loyalty board about a year before. When he appeared before our committee a year later he invoked the fifth amendment on the ground of self-incrimination about his association with a well-known member of the Communist conspiracy. The record was quite impressive.

Senator McCarthy at that point expressed the belief that he had seen just about enough and it was certainly inconceivable to him how a



man with such a record, a man whose suspension had been ordered by a lower loyalty board could be reinstated and given a clearance, a security clearance, by this top screening board in the Department of the Army.

Senator McCarthy, I believe in public session insisted upon the names of the people on the loyalty board who had cleared this man Snyder. He got some of them and the promise, not from the Army but from Mr. Snyder himself—he got some of the names and a promise from Mr. Snyder's counsel that he would get all of the names. On that occasion Senator McCarthy told Mr. Adams, that the committee was going into its report writing period, which would take about a month before the appropriation of the committee was up, and we filed our annual report. But just about the first order of business after those reports were out of the way and hearings were resumed would be the summoning of people connected with this loyalty board clearance. Mr. Adams was very much disturbed by that. He had been told by me over the phone and I assume by other staff members at the beginning of January that the date for production of some of these loyalty board members would be around between the middle and the end of January some time, when the report writing was finished on January 14.

Mr. JENKINS. Yes, go right ahead.

Mr. COHN. Do you want me to tell you about the——

Mr. JENKINS. You are telling now about the members of the loyalty board.

Mr. COHN. Yes, sir.

Mr. JENKINS. And the Senator's investigation of them?

Mr. COHN. Yes, that is beginning to get into the January 14 conversation. Do you want me to tell you what was said, sir, on January 14?

Mr. JENKINS. Yes. The committee would be very much interested, I am sure.

Mr. COHN. On January 14, as I recall—and I cannot swear to the date, it was the 13th or 14th, around that time Mr. Adams has said the 14th and I have no reason to doubt that date—Mr. Adams paid a call on me and on Mr. Carr. He discussed the stopping of hearings at Fort Monmouth. He didn't want the members of the loyalty Board who had cleared the Monmouth people called. He wanted the investigation stopped, the usual ground was covered.

Mr. JENKINS. Why did he not want the members of the loyalty board called, Mr. Cohn, or did he say?

Mr. COHN. Yes, there were several reasons, sir. He said, and he had said on other occasions, that there were elements of personal embarrassment connected with it to himself and Mr. Stevens.

Mr. JENKINS. Did I understand you to say a moment ago that one of the members of the loyalty board had taken the fifth amendment?

Mr. COHN. No, sir, no member had ever taken the fifth amendment so far as I know. One had been questioned by us on October 30 in New York, about a record of Communist—affiliation with the Communist activities.

Mr. JENKINS. Anyway, on January 14——

Mr. COHN. What I said, Mr. Jenkins, was that this loyalty board had cleared people who, after their clearance, had taken the fifth

amendment, which was pretty good evidence of the fact that they shouldn't have been cleared.

Mr. JENKINS. On January 14, Mr. Adams objected to the investigation of Monmouth continuing?

Mr. COHN. Yes, sir.

Mr. JENKINS. And to your calling members of the loyalty board before your committee for examination?

Mr. COHN. That is right. He objected to the Fort Monmouth investigation continuing and particularly to that part of it which would entail the calling of members of the loyalty board.

Mr. JENKINS. Very well. I want you to tell all that occurred on that day.

Mr. COHN. Yes, sir. Well, he came over to the office, we talked, we had lunch, we went back to the office, we talked some more, and an awful lot was said.

He told us that he was very, very unhappy about the way the Fort Monmouth situation had been handled by us in the continuing of hearings. He said that he had hoped from the beginning that we could get the hearings stopped, could avoid them, now it seemed like they were going on, that Mr. Stevens was upset, that he was upset, couldn't we stop them in some way, and that particularly since we were turning to these loyalty boards and the clearance procedure he was unhappy and he felt that the staff of the committee—I assume Mr. Carr and I—had not cooperated with Mr. Adams in trying to bring about a termination of this investigation.

Mr. JENKINS. Very well. Anything else as of that date?

Mr. COHN. Yes. The way the Schine overseas thing came in was this: Mr. Adams said we had not been cooperating with him, and that he was going to show some examples of noncooperation, too, and how would we like it if Schine were ordered overseas.

Well, we knew at that time that Schine was still in basic training, that only he had done less than half of his basic training. We knew that under the normal practice in the Army he would not be sent overseas for some time to come.

Mr. JENKINS. Was Dave Schine still at Fort Dix?

Mr. COHN. He was still at Fort Dix, then. And we knew that supposedly he was going on to Camp Gordon, Ga., from there. Mr. Adams had previously said that. And we knew there could be no basis in fact for Mr. Adams' statement that Schine was going overseas, unless Mr. Adams intended to see that that came about. We made it clear that we didn't care whether he did go overseas or didn't go overseas, but that we didn't quite understand the way Mr. Adams was ringing that in with the suggestion that we weren't cooperating with him in getting his investigation stopped. I would like to make what I think is a very important point on that here.

Mr. JENKINS. Very well. You may do so.

Mr. COHN. Mr. Adams, in his testimony before this committee, and I watched this rather closely, sir, and I hope Mr. Welch will correct me if I am wrong, described the events of January 14 and said that the topic was Schine, and that he just came out with a statement about Schine going overseas. I say that Mr. Adams came over and coupled the Fort Monmouth investigation and the stopping of it with this comment about Private Schine. And I have looked back at the Army charges, the Stevens-Adams charges, filed on March 11, and

his part of it, event 37, must have been prepared by Mr. Adams, because he was the only one from that side who was present, and in that—

Mr. JENKINS. Just read that in full, Mr. Cohn, if you will, at this time.

Mr. COHN. What I wanted to read was the first sentence.

A day or so after the conversation,—

Mr. JENKINS. I didn't get the beginning of it.

Ms. COHN (reading):

A day or so after the conversation with Mr. Cohn, Mr. Adams went to the Capitol and called on Mr. Cohn and Mr. Carr, in Mr. Cohn's office in the Senate Investigations Subcommittee. General discussion was had concerning the Private Schine situation and the progress of the McCarthy investigation at Fort Monmouth.

And I would like to point out, sir, that it is my testimony that those two subjects were brought up by Mr. Adams, that they were linked, and that Mr. Adams was not being on the level with the committee when he failed to mention that the Fort Monmouth investigation was discussed that day, and that Mr. Adams has admitted here in his original charges that those two matters were discussed by him when he came over to visit us on that occasion.

Mr. JENKINS. What you are saying, as we understand it, Mr. Cohn, is that on January 14, Mr. Adams came to your office, and there, at that time and on that occasion, talked about the discontinuance of your investigation of Fort Monmouth—

Mr. COHN. He did.

Mr. JENKINS. And talked about his objections to your subpoenaing the members of the loyalty board for examination?

Mr. COHN. He did.

Mr. JENKINS. And threaded in with that conversation, a threat, as I get it from you, to send Dave Schine overseas if you persisted in investigating Fort Monmouth and in subpoenaing the members of the loyalty board, is that correct?

Mr. COHN. I would say, sir, that is a sensible interpretation of what happened on that day, and following that, Mr. Jenkins, of course, there were the events, the subsequent events, in which Mr. Adams tried to—went to members of this committee and tried to get the loyalty board subpoenas killed and the investigation called off, accompanying that insistence on his part that the investigation and subpoenas be killed with the hint that if it were not killed, there would be a report about me.

Mr. JENKINS. And you are, I take it, in part referring to the testimony of certain witnesses who testified?

Mr. COHN. I am referring, sir to the statements by Senator Dirksen, Senator Mundt, and Senator Potter before this committee.

Mr. JENKINS. And do you say, Mr. Cohn, that the straw that broke the camel's back, and the incident that precipitated the preparation and the filing of these charges, was the fact that you persisted, you and the Senator from Wisconsin, in demanding the subpoenaing and the examination of the members of the loyalty board and continuing your investigation of Fort Monmouth, and that it was for that reason that these charges were prepared and released to the public with respect to the allegations against you and Senator McCarthy?

Mr. COHN. The only way I could answer that is this: Mr. Jenkins, this was certainly the immediate reason, I am sure, from Mr. Adam's



standpoint. From what has come out at these hearings, and from other things that we know, I think it is quite clear that a number of people had a lot of different reasons for doing what they did in trying to discredit us and stop the operations of this committee.

Mr. JENKINS. Mr. Cohn, did you have a conversation with Senator McCarthy on the evening of January 22?

Mr. COHN. I did.

Mr. JENKINS. I want you to tell these gentlemen on the subcommittee about that conversation, the substance of it.

Mr. COHN. I had called Senator McCarthy about an investigation we were conducting, not dealing with communist infiltration in the Army. He told me he could not talk to me and would I please call him back at 11 or 11:30, something like that. I called him back, and he told me that Mr. Adams had been to see him, Mr. John Adams had been to see him, in his apartment, and Mr. Adams was trying to pull—I think he used the words of a neat little trick of blackmail, and say that unless we killed the investigation, there would be spread around a report about me, which would be embarrassing to me.

Senator McCarthy told me that, and on that night. I obtained further details later on, when I spoke with the Senator in person. After I obtained those details, I heard enough for me to conclude in my own mind that I cared to have nothing more to do with Mr. John Adams.

Mr. JENKINS. Mr. Cohn, did the Senator tell you that night that he refused to yield to the demands of John Adams?

Mr. COHN. He did.

Mr. JENKINS. And have you heard from the lips of Mr. Adams that it was the next day that he started preparing the materials, assembling the materials, in the raw—I believe that expression has been used, from which evolved this 34-page document known as events?

Mr. COHN. I did.

Mr. JENKINS. Do you recall a conversation, Mr. Cohn in which Mr. Adams called you—and I believe maybe you were in New York City—in which he stated that you had been ducking him?

Mr. COHN. I do.

Mr. JENKINS. I want you to tell us about that.

Mr. COHN. That conversation, as best I can place it, Mr. Jenkins, was February 12. Bear in mind, sir, that on January 22, Senator—

Mr. JENKINS. Pardon me one minute, Mr. Cohn.

(Discussion among committee out of the hearing of the reporter.)

Senator MUNDT. Just a little huddle about whether we are going to stop approximately at 5 o'clock or not, and we are.

Mr. JENKINS. I think perhaps, Mr. Chairman, the witness should be allowed to answer the last question.

Do you recall the question?

Mr. COHN. Yes, on the February 12 phone conference. Do you want me to complete that or wait until tomorrow?

Mr. JENKINS. I suggest you go ahead and complete your answer.

Mr. COHN. Surely, sir.

After Senator McCarthy told me what Mr. Adams was trying to do, the Senator told me he had told Mr. Adams he would not give in to that or any other blackmail threat. I was very clear in my mind that I would not. I decided to have nothing to do with Mr. Adams. I heard from other staff members that Mr. Adams had been asking



about me and calling up and wanting to know where I was in Washington. I did not pay any attention to those calls.

On Lincoln's Birthday, February 12, Mr. Adams telephoned me at my home in New York. He asked me if he was correct in assuming that I had been ducking him. I told him he was very correct. He asked me why I had been ducking him, why I didn't call him, why I didn't see him, why we hadn't had lunch, why we hadn't gotten together and had a talk, why we were out of touch.

I told Mr. Adams that very frankly the reason was because I believed that he had been thoroughly dishonest. He asked me what I meant. I believe I told him what I meant. I told him that he had directly or indirectly made a blackmail threat to members of the subcommittee, saying that if we not stop the investigation and kill those subpoenas, Mr. Adams was going to cause an untrue report to be spread or circulated—I didn't know the details about it—concerning me.

Mr. Adams at first denied that he had spoken with anyone about it. In fact, he never admitted it, but I told him that I knew he had certainly talked to Senator McCarthy about it, and I knew what the Senator had told me, and that was enough for me.

Mr. Adams said that I had to understand his position, that he had a job to do, that he had told me all along that these loyalty board subpoenas were going to present very, very great problems to him, and that he would have to stop at nothing to see that the investigation was killed at that point, and that I should try to understand what he was trying to do.

I told him I could not understand what he was trying to do, and that just about terminated the conversation.

Senator MUNDT. The Chair would like to make a brief announcement about tomorrow's meeting. Inasmuch as we have a distinguished guest, Haile Selassie, here in Washington, who is addressing a joint session of Congress at noon, it is possible we may recess a little before 12:30 or perhaps have to reconvene a little after 2. Otherwise, there will be no change or interruption in our schedule.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Senator McClellan.

We have not recessed. Will you be quiet for a moment?

The Chair recognizes Senator McClellan.

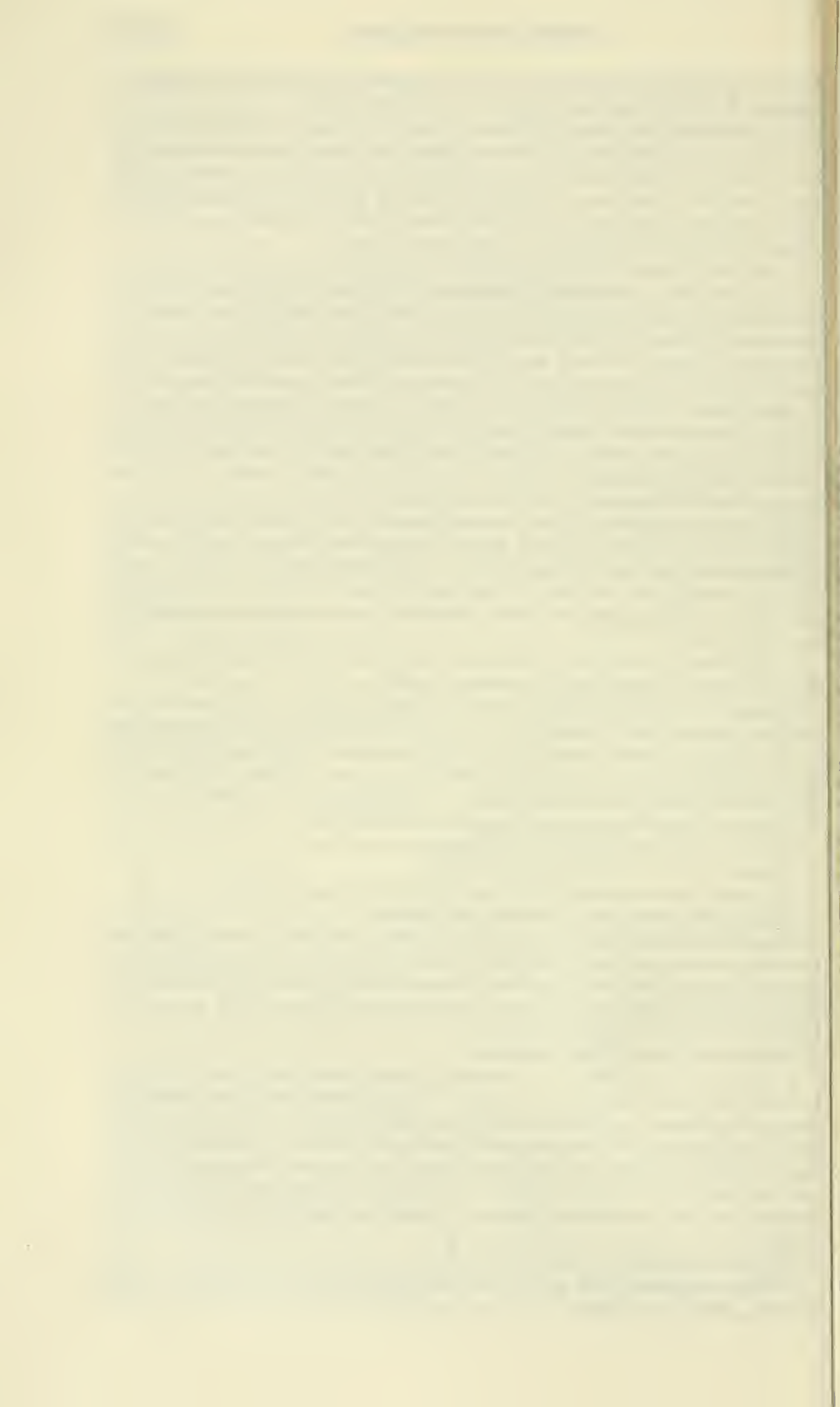
Senator McCLELLAN. I regret that I shall not be able to attend the meeting tomorrow, but I assume that this witness will be available for cross-examination on Tuesday. I understand the committee is to recess after tomorrow until next Tuesday, and there will be no session held on Monday. Am I correct?

Senator MUNDT. That is correct.

I might add further that counsel has advised the Chair that he believes he will require probably all day tomorrow, at least, in cross-examination. May the Chair say also just a word of heartfelt appreciation to his colleagues on both the Republican and Democratic side of the aisle for the fact that there has been exemplary restraint on the part of everyone today, including counsel—not a single interruption and not a single point of order all afternoon. May that continue.

We stand in recess until 10 o'clock.

(Whereupon, at 5:05 p. m., the hearing was recessed until 10 a. m., Friday, May 28, 1954.)



# APPENDIX

## EXHIBITS

No. 28

[From the New York Herald Tribune, Friday, November 6, 1953]

### McCARTHY VOWS RADAR SPY EXPOSE

(By Walter Arm)

A full exposure of Communist espionage activities at the Signal Corps Laboratories and Radar Center at Fort Monmouth, N. J., was promised yesterday by Senator Joseph R. McCarthy when he begins public hearings at the United States courthouse in Foley Square Thursday.

The Wisconsin Republican, winding up 5 weeks of closed hearings during which he questioned almost 100 witnesses, said, "There will be considerable evidence of the operations of an espionage ring at Fort Monmouth for a considerable period after the war."

Senator McCarthy said that hearings would take "a considerable time" and show a very clear-cut picture of espionage. He added: "There's no question of the evidence that there has been espionage. I won't at this time try to ring it down to any particular date; we'll let the evidence speak for itself."

He was asked whether the ring had been organized and directed by Julius Rosenberg, executed atomic spy, and replied: "That's one of the things I'd like to know. The others are, whether some one higher up directed it and whether it is still in existence."

To underline his private belief that the ring continued operating long after the arrest of Rosenberg in 1950 and almost up to the present, Senator McCarthy disclosed he had questioned a former radar engineer "who is a member of the Communist underground today."

He hinted that the ring was still in existence by saying: "Keep in mind that the commanding officer of Fort Monmouth has been suspending employees for Communist or espionage activities up until a few days ago." He put the known total of suspensions at 29.

The Senator declared he had questioned "members of the spy ring who are still running around loose." He added that this was no reflection on the Federal Bureau of Investigation or any other Government agency and said: "There just hasn't been enough evidence to convict them."

A woman witness questioned yesterday, he asserted, "was a member of the Rosenberg ring, but when we asked her about it she refused to answer on the grounds of self-incrimination."

The Senator said the woman also refused to say whether she had ever taken false passports to underground agents or carried money to William Perl, a former physics instructor convicted of perjury.

### UNDERGROUND MEMBER

The present "member of the Communist underground" admitted he had been a Communist 20 years ago, but said he was no longer with the party, Senator McCarthy said. He added that the man had worked on the Norden bomb sight during the war and admitted being a friend of David Greenglass, brother-in-law of Rosenberg, who is now serving 15 years for espionage.

Earlier in the day, Senator McCarthy called on Harvard University to discharge Wendell H. Furry, a professor of physics at the university, who had refused to answer questions before the Senate Permanent Investigations Committee on Wednesday.

In a telegram to Dr. Nathan M. Pusey, president of Harvard, Senator McCarthy called on the Harvard Corp. to show its attitude toward Communist professors. He charged that Professor Furry had refused to say "if he had indoctrinated students in the Communist philosophy."

"It's a smelly mess," he added, "and I can't conceive anyone sending the children anywhere where they might be open to indoctrination by Communist professors." He said that such professors were not "free agents," but "under the discipline of Russia."

"This committee is not investigating colleges as such," he said, "but it is interested in any campus partially supported by Federal funds through tax exemptions or grants."

At Cambridge, Mass., there was no comment from Dr. Pusey.

#### PRISON EXAMINATIONS

WASHINGTON, November 5 (AP).—Attorney General Herbert Brownell, Jr. announced today a set of rules—the first of their kind—under which congressional committees may examine inmates of Federal prisons. All examinations must be conducted at the prison where the inmate is held.

The regulations were formulated and made public in connection with the proposal by Senator Joseph R. McCarthy's (Republican, Wisconsin) Senate Investigations Subcommittee to interview atom spy David Greenglass, who is held at the Lewisburg, Pa., Penitentiary.

Senator McCarthy once proposed to take Greenglass to New York for questioning but later agreed the examination would be at Lewisburg. The committee seeking Greenglass' testimony in connection with an investigation into allegations that an espionage ring has operated at the radar laboratory at Fort Monmouth, N. J.

Mr. Brownell's rules made it clear the Justice Department does not intend let prisoners be taken out of the Federal penal institutions for examination.

#### No. 29

[From the Washington (D. C.) Times-Herald, Friday, November 6, 1953]

**MCCARTHY ENDS SECRET QUIZ AT FORT MONMOUTH—PUBLIC SESSIONS SLATED TO START THURSDAY**

(By Willard Edwards)

NEW YORK, November 5 (CTPS).—Senator McCarthy, Republican of Wisconsin, wound up a month of closed hearings on security leaks in the secret radar laboratories of the Army Signal Corps at Fort Monmouth, N. J., Thursday, as announced:

"Our investigation has revealed considerable evidence of the operations of an espionage ring in the Signal Corps during World War II and for a considerable period thereafter. We are ready to present the evidence in public sessions."

The open sessions are tentatively scheduled to open next Thursday. They may last for weeks. The staff of the Senate Investigations Subcommittee, headed by Chief Counsel Roy M. Cohn and Director Frank P. Carr, was given the task of coordinating a vast accumulation of testimony and data obtained from more than 250 witnesses, of whom about 120 have been questioned under oath.

#### 29 ON STAFF SUSPENDED

McCarthy refused to express an opinion on whether a spy ring was functioning at Fort Monmouth until a recent date. He noted, however, that the Army has suspended, at least 29 civilian scientists and technicians at the Army post in the last month, all of them being charged with Communist or subversive connection which made them potential sources of information for an enemy power.

The testimony has disclosed, it was learned, that Julius Rosenberg, atom spy who died in the electric chair last June, was recruiting agents to purloin radar secrets as late as 1949. He was arrested in the summer of 1950. He had worked at Fort Monmouth from 1940 to 1945.



McCarthy returned to Washington where he will confer Friday with Army Secretary Stevens who has cooperated fully with the investigation, sitting in on many hearings. Stevens has pledged the dismissal of all security risks in the Signal Corps.

The final closed sessions in the United States courthouse were typical of numerous hearings that have been held since the explosive situation at Fort Monmouth was made public last October 6.

Six witnesses were questioned under oath. The names of none were made public. All six either had worked in the Signal Corps or on secret projects linked with radar work.

Two witness, one a woman, pleaded possible self-incrimination in refusing to answer when asked if they had engaged in espionage. Another voiced the same plea when asked if he was a Communist. A fourth said he was a former Communist but had left the party. The fifth denied Communist Party membership until confronted with his party card. The sixth denied communism but was shown to have been active in two Communist-dominated organizations.

During the day, McCarthy called on Harvard university to fire Prof. Wendell N. Furry, currently on probation with the university for refusing to answer questions about communism before another Senate committee.

McCarthy said Wednesday a Harvard physics professor refused to tell the subcommittee whether he ever engaged in radar espionage during the war or ever indoctrinated his students with Communist philosophy.

Thursday, McCarthy identified the professor as Furry.

Attorney General Brownell meanwhile announced the rules under which congressional committees will be permitted to examine inmates of Federal prisons. One of the regulations provides that all such interrogations shall take place inside the prisons.

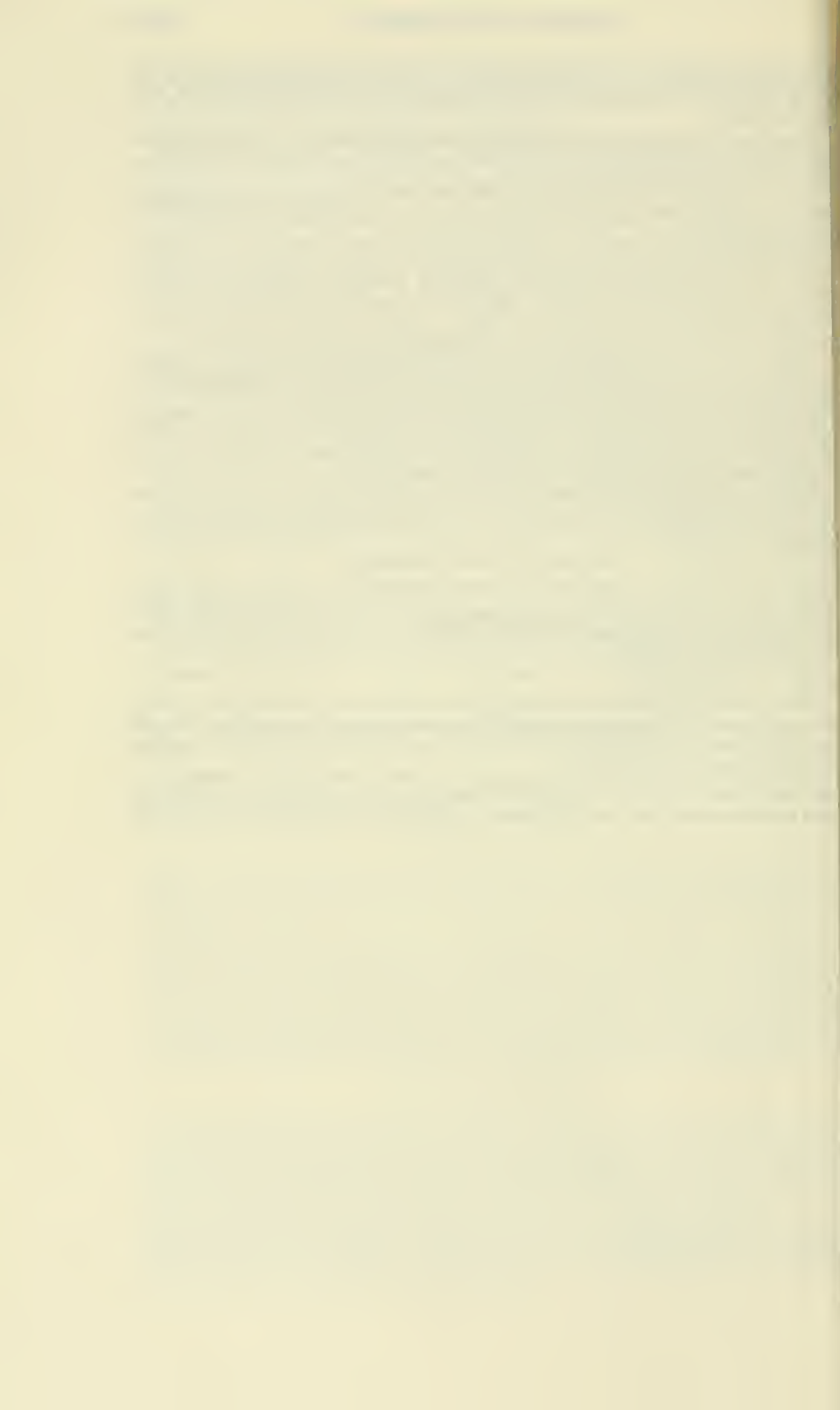
#### GREENGLASS TO BE QUESTIONED

The announcement apparently cleared the way for the subcommittee headed by McCarthy to question David Greenglass, atom spy and brother of Mrs. Ethel Rosenberg, who was executed for spying for Russia. Greenglass is serving a term in Lewisburg, Pa., prison.

McCarthy reportedly has been undecided whether to question Greenglass in prison or in New York.

The Canadian Government has turned down a request to permit Igor Gouzenko, former Russian Embassy cipher clerk who turned up a Soviet spy ring in Canada in 1945, to meet with American congressional committees digging into Communist activities in the United States.

The State Department announced the Canadian Government's refusal and informed sources said the Canadian Government had established that Gouzenko has no information that is not already available to congressional investigators.



# INDEX

	Page
Adams, John G.....	1602-1621, 1624-1627, 1629-1649
Administration Building (Fort Monmouth).....	1613
Air Force (United States).....	1617-1619, 1628, 1629, 1642, 1643
Arm, Walter.....	1651
Armed Services Committee (Senate).....	1633
Army (United States).....	1602, 1603, 1605, 1609, 1611, 1612, 1614, 1617-1623, 1625, 1627, 1629, 1631, 1633, 1634, 1638, 1642, 1643, 1645, 1646, 1648, 1652, 1653.
Army Security and Intelligence Division.....	1603
Army Signal Corps.....	1606, 1620-1623, 1651-1653
Army Signal Corps Laboratories (Fort Monmouth).....	1606, 1620-1623, 1651
Associated Press (AP).....	1652
Attorney General (United States).....	1652
Back, General.....	1612
BeLieu, Colonel.....	1612
Brownell, Herbert.....	1652, 1653
Cambridge, Mass.....	1652
Camp Gordon, Ga.....	1646
Canadian Government.....	1653
Canadian Soviet spy ring.....	1653
Capitol Building (Washington, D. C.).....	1647
Carr, Francis P.....	1615, 1618, 1620, 1624, 1625, 1637, 1639, 1641, 1643, 1645-1647, 1652
Cohn, Roy M.....	1652
Testimony of.....	1602-1649
Coleman, Aaron.....	1602-1604, 1608, 1620, 1644
Communist conspiracy.....	1644
Communist infiltration in the Air Force.....	1618, 1628
Communist infiltration in the Army.....	1648
Communist infiltration in defense plants.....	1629
Communist infiltration in the Navy.....	1618, 1628
Communist infiltration in the secret radar laboratory at Monmouth.....	1620, 1630
Communist infiltration in the State Department.....	1608
Communist infiltration in the Treasury.....	1608
Communist Party.....	1605, 1608, 1618, 1620-1622, 1626-1629, 1633, 1634, 1636, 1639, 1644, 1645, 1651-1653.
Communist professors.....	1652
Communist spy ring.....	1608, 1619, 1622, 1651
Communist underground.....	1651
Communists.....	1605, 1608, 1618, 1620-1622, 1626-1629, 1633, 1634, 1636, 1639, 1644, 1645, 1648, 1651, 1653.
Corr, Lieutenant.....	1639-1641
Counselor to the Army.....	1602-1621, 1624-1627, 1629-1649
CTPS.....	1652
Department of the Army.....	1602, 1603, 1605, 1609, 1611, 1612, 1614, 1617-1623, 1625, 1627, 1629, 1631, 1633, 1634, 1638, 1642, 1643, 1645, 1646, 1648, 1652, 1653.
Department of Defense.....	1629
Department of Justice.....	1623, 1652
Department of State.....	1608, 1639, 1653
Dirksen, Senator.....	1607, 1608, 1647
Edwards, Willard.....	1652
Electronics industry (Russia).....	1622

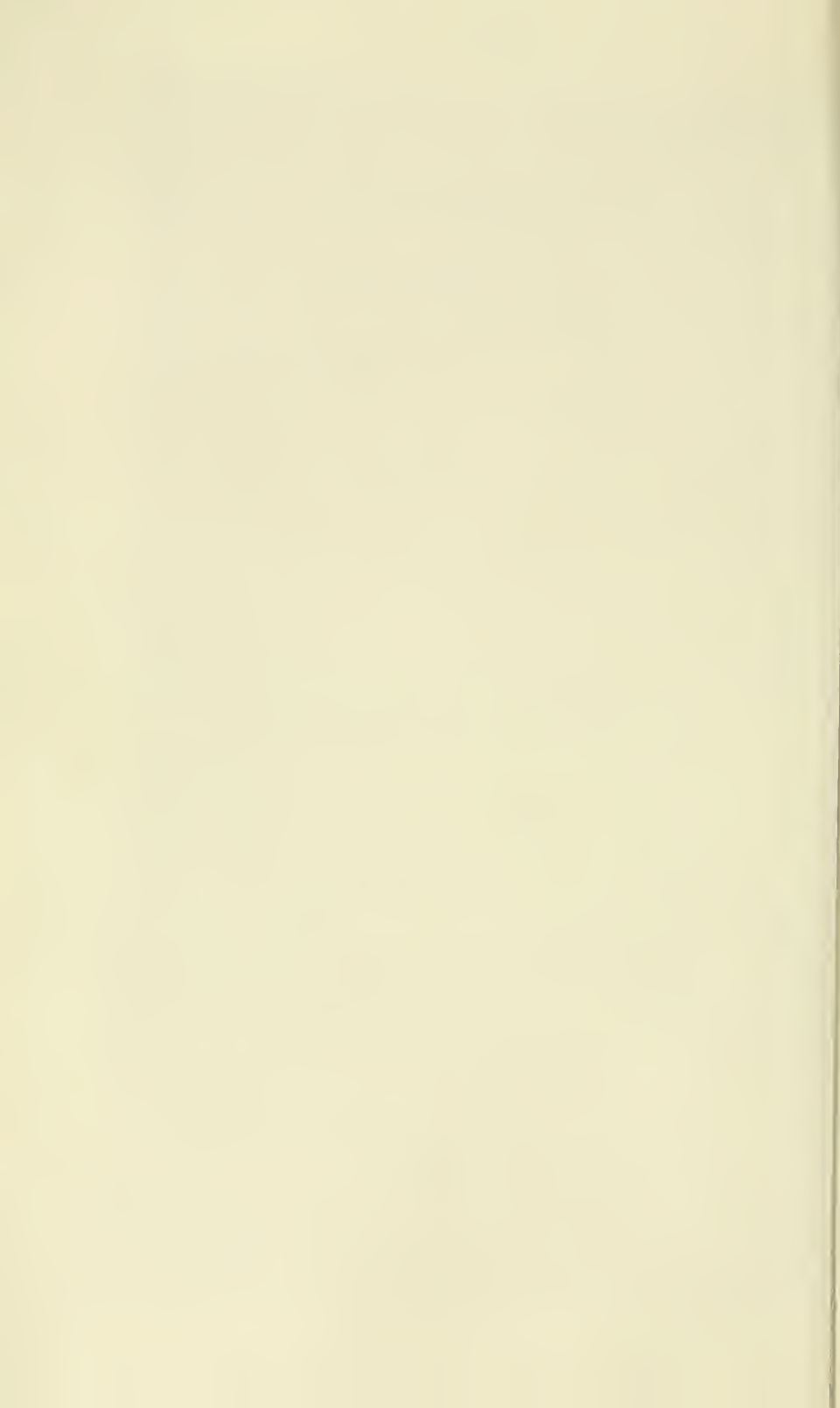
	Page
Emerson Radio Corp.....	162
Evans Signal Laboratory.....	1603, 160
Federal Bureau of Investigation (FBI).....	1619, 1622, 1639, 163
Federal funds.....	167
Federal prisons.....	1652, 163
Federal Telecommunications Laboratory.....	162
Foley Square (New York City).....	163
Fort Dix.....	1630, 164
Fort Monmouth.....	1603-160
1607-1609, 1611, 1613-1616, 1619-1624, 1626-1632, 1634-1637, 1640	
1642, 1645-1647, 1651, 1652.	
Fort Monmouth radar laboratories.....	1603, 160
Furry, Wendell H.....	1651-165
G & R Engineering Co.....	162
Gasner's Restaurant (New York City).....	163
German occupation currency.....	160
Gouzenko, Igor.....	165
Greenglass, David.....	1619-1623, 1626, 1640, 1651-165
Harvard Corp.....	165
Harvard University.....	1651-165
Hoey, Senator.....	160
Intelligence and Security Division (Army).....	160
Jones, Bob.....	1607, 1608, 161
Justice Department.....	162
Lawton, Gen. Kirke B.....	1603, 1605-1607, 1620-1622, 1630-164
Levitsky, Joseph.....	162
Lewisburg, Pa.....	1619, 1652, 165
Lewisburg Penitentiary.....	1619, 1652, 165
Lincoln's Birthday.....	164
Lower loyalty board.....	164
Loyalty Board.....	1644, 164
Madison Square Garden.....	161
McCarthy, Senator Joe.....	1602, 1603
1605-1614, 1617, 1618, 1621, 1623-1629, 1631-1641, 1644, 1645, 1647	
1649, 1651-1653.	
McCarthy Ends Secret Quiz at Fort Monmouth (newspaper article).....	165
McCarthy Vows Radar Spy Expose (newspaper article).....	165
McClellan, Senator.....	160
McGuire Airfield.....	163
Mint (United States).....	160
Mudget, General.....	162
Mundt, Senator.....	1608, 1609, 1615, 164
New York City.....	1611
1615, 1622, 1630, 1632, 1634, 1638, 1640, 1645, 1648, 1649, 1652, 165	
Navy (United States).....	1617-1619, 1628, 1629
New York Herald Tribune.....	1623, 165
Norden bomb sight.....	165
Pentagon.....	1624, 1625, 1628, 164
Pentagon Loyalty Board.....	164
Perl, William.....	165
Philadelphia, Pa.....	162
Pitt Machine Products.....	162
Potter, Senator.....	1607, 1608, 164
Prison examinations.....	1652
Proximity fuse.....	162
Pusey, Dr. Nathan M.....	1652
Radar industry (Russia).....	1622, 1629
Radar laboratories (Fort Monmouth).....	1603
1605, 1620, 1621, 1623, 1630, 1637, 1641, 1651, 1652	
Radar spy.....	1651
Rainville, Mr.....	1607, 1608, 1612
Ridgway, General.....	1629
Rogge, O. John.....	1620
Rosenberg, Ethel.....	1620, 1622, 1653
Rosenberg, Julius.....	1605, 1619, 1620, 1622, 1623, 1626, 1651, 1652
Rosenberg ring.....	1622, 1623, 1626, 1651



	Page
ussia	1622, 1623, 1652, 1653
ussian electronics industry	1622
ussian Embassy cipher clerk	1653
ussian radar industry	1622, 1623
ussians	1623
yan, General	1630
ehine, G. David	1619, 1620, 1624, 1625, 1629, 1631, 1641, 1642, 1644, 1646, 1657
second World War	1622
ecret radar laboratories (Fort Monmouth)	1603, 1605, 1620, 1621, 1623, 1630, 1637, 1641, 1651, 1652
ecretary of the Army	1602-1609, 1611-1613, 1615, 1617-1621, 1623-1633, 1635-1642, 1644-1646, 1653
ecurity and Intelligence Division (Army)	1603
ecurity officer (Fort Monmouth)	1603
elassie, Haile	1649
enate Armed Services Committee	1633
ignal Corps (U. S. Army)	1606, 1620-1623, 1651-1653
ignal Corps Laboratories (Fort Monmouth)	1606, 1620-1623, 1651
mith, General	1639
enate of the United States	1604
nyder, Samuel	1644
oviet Government	1603
oviet spy ring	1619
oviet spy ring (Canada)	1653
State Department (United States)	1608, 1639, 1653
Stevens, Robert T.	1602-1609, 1611-1613, 1615, 1617-1621, 1623-1633, 1635-1642, 1644-1646, 1653
Symington, Senator	1604
Treasury Department (United States)	1608
Trudeau, General	1629
Under Secretary of State	1639
United States Air Force	1617-1619, 1628, 1629, 1642, 1643
United States Army	1602, 1603, 1605, 1609, 1611, 1612, 1614, 1617-1623, 1625, 1627, 1629, 1631, 1633, 1634, 1638, 1642, 1643, 1645, 1646, 1648, 1652, 1653
United States Army Signal Corps	1606, 1620-1623, 1651-1653
United States Attorney General	1652
United States Congress	1649
United States courthouse (New York City)	1623, 1635, 1651
United States Department of Defense	1629
United States Department of Justice	1623
United States Department of State	1608, 1639, 1653
United States Mint	1608
United States Navy	1617-1619, 1628, 1629
United States Senate	1604
United States Treasury Department	1608
University, Harvard	1651-1653
Walter Reed Hospital (Washington, D. C.)	1634
Washington, D. C.	1608, 1615, 1648, 1652, 1653
Washington Times-Herald	1623, 1652
White, Harry Dexter	1632
World War II	1622









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SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

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HEARING

BEFORE THE

SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

**S. Res. 189**

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PART 44

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MAY 28, 1954

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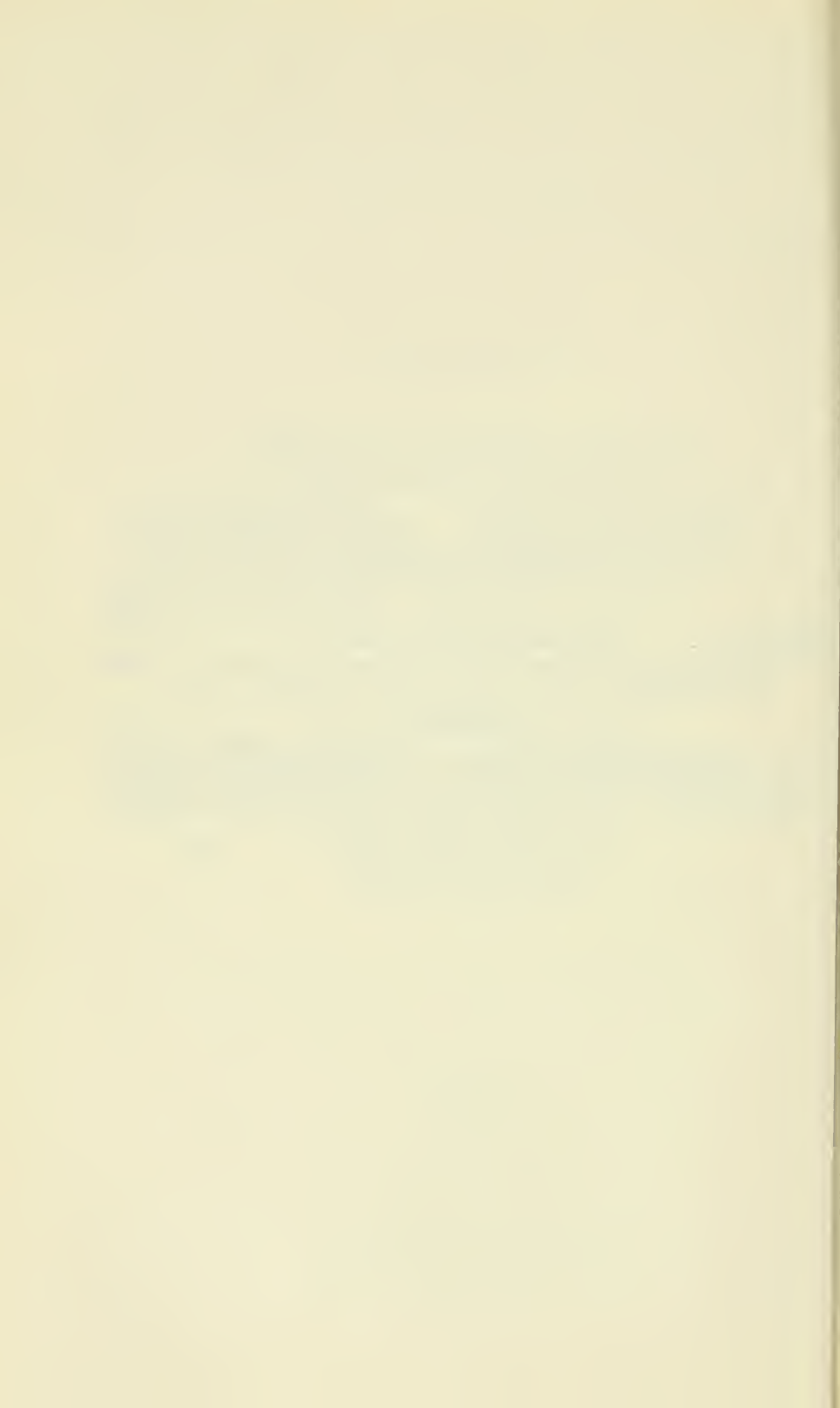
# CONTENTS

---

Index.....	Page
Testimony of—	1693a
Cohn, Roy C., chief counsel, Senate Permanent Subcommittee on	1656
Investigations.....	

## EXHIBITS

	<i>Introduced on page</i>	<i>Appears on page</i>
No. 30. Letter from Senator Joe McCarthy to Senator Karl E.		
Mundt, chairman, Special Subcommittee on Investigations,		
May 28, 1954.....	1656	1656-57





SPECIAL SENATE INVESTIGATION ON CHARGES AND  
COUNTERCHARGES INVOLVING: SECRETARY OF THE  
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE  
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,  
AND FRANCIS P. CARR

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FRIDAY, MAY 28, 1954

UNITED STATES SENATE,  
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

The subcommittee met at 10:15 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will come to order.

For the information of the newspapermen, we will close at 12:15 this noon instead of 12:30, which will give us time to get over to the joint session of Congress to hear Emperor Haile Selassie and we will resume at 2 o'clock promptly, as usual. So the recess will be from 12:15 to 2 instead of 12:30 until 2.

To our guests in the committee room, the Chair would like to extend the customary morning greeting and a word of welcome and to point out to you, if you are here for the first time, that we have a standing committee rule against any audible manifestations of approval or disapproval at any time in any manner.

The officers in the room and the plainclothes men have instructions from the committee to escort immediately from the room, politely but forthwith, anyone who violates the terms by which he enters the committee room, which is to refrain entirely from manifestations of approval or disapproval.

I must say from the standpoint of audience nonparticipation, these have been the most orderly hearings the Chair has ever noticed on

Capitol Hill, and I want to salute once again the Capitol Police and their associates, and our friends in the audience for conforming completely with the committee rule.

To the contrary notwithstanding, we want the guards to remove from the room immediately anybody if in a brief holiday spirit this morning you should violate that standing admonition of the Chair.

We left off as of yesterday with Counsel Jenkins engaging in direct examination of Mr. Cohn, a witness on the so-called McCarthy-Cohn side of the controversy. He will continue at this time with his direct examination which he tells me he will conclude in a very short time or interval, at which time he will wipe off his smile and put on his frown and proceed with the cross-examination.

Counsel Jenkins.

#### FURTHER TESTIMONY OF ROY M. COHN

MR. JENKINS. Mr. Cohn, I think I have only two questions to ask you. One is with respect to the repayment to you of certain money by Mr. Adams for the theater and prizefight tickets. As I understand it, you have another statement you desire to make with reference to that subject of inquiry.

MR. COHN. Sir, I don't believe we brought out the fact that repayment actually was made on February 18 and what the circumstances of it were.

MR. JENKINS. Is that all you care to say about that, Mr. Cohn?

MR. COHN. Sir, if you think it is relevant I would relate the payment of that money and what Mr. Adams said in connection with payment to me at that time.

MR. JENKINS. The committee may consider it relevant, and I ask you to do so.

MR. COHN. Yes, sir. I told you yesterday about the February 12 telephone call when Mr. Adams called me to find out why I was ducking him and why he didn't see me. I did see him at a subcommittee hearing, which I of necessity attended, and which he attended on February 18. He took a roll of bills and stuck them in my pocket. As I recall it, he was sitting in the jury box in the courtroom where the hearing was being held and I was walking by in the morning and he said hello and I said hello, and he reached over and just stuck this roll of bills in my pocket. I don't remember which pocket it was.

SENATOR MUNDT. If you will pardon me, the Chair has just been handed a letter which he thinks he should read at this time, because it contains some good news for Mr. Welch, and I would like to have the attention of Mr. Welch so that he can carry this good news with him over the weekend.

This is addressed to me by Senator McCarthy; addressed to Hon. Karl E. Mundt, United States Senate Office Building, Washington 25, D. C. I have read only the first two paragraphs, but I can tell it is good news for Mr. Welch and I want to send him to Boston happy.

MAY 28, 1954.

MY DEAR SENATOR MUNDT: As you know, I have felt very strongly about the vicious and completely unfounded attack by Mr. Stevens and Mr. Adams upon Mr. Frank Carr, the chief of the Investigations Subcommittee staff.

As a number of Senators so ably pointed out on Wednesday, May 26, Adams and Stevens presented absolutely no evidence of any wrong doing on the part of

Mr. Carr. When the Senators very properly dismissed the charges against Frank Carr, on the ground that they had been proven false, they coupled that move with what at that time appeared to be the logical course of also releasing him as a witness so he could get back to the job of directing the important pending investigations of the subcommittee.

Mr. Carr feels that while he has been cleared by the subcommittee of all the Adams-Stevens charges, nevertheless, he should be called as a witness if, after all the evidence on both sides is in, any member of the subcommittee, or any principal, wishes to question him. He feels as I do that while this investigation was deliberately and cleverly planned by those who had a personal interest in sidetracking our exposure of Communists, every member of the staff of this subcommittee should be available to testify.

While I strongly argued that the phony, trumped-up, false charges against Mr. Carr should be dismissed, I have made it very clear that I would advise all members of the staff to appear before this committee if called. As you know, Mr. Carr took no part in the discussions concerning his dismissal as a principal, and as a witness. His position always has been that as an employee of the subcommittee, he would follow the instructions of this committee, and would not volunteer advice unless asked for it. However, he was deeply disturbed to learn that this committee's action was interpreted by some to mean that he would not be available to testify.

As the Chairman knows, while I felt that technically it was improper to dismiss the Hensel matter before I had an opportunity to give testimony thereon, I made no objection because I felt that the President's secrecy order, which precluded Mr. Hensel's testifying to any conversations, planning, etc., between other members of the executive branch and himself, made it impossible ever to get the whole truth and that, therefore, these hearings should be ended as soon as possible so that we could get back to our work. I want to make it clear at this time, however, that if any Senator or any interested party desires to question me with regard to the Hensel matter, I shall be ready and willing to answer such questions.

Yours very truly,

JOE MCCARTHY,  
*United States Senate.*

The letter will be made a part of the record.

(The letter above was marked as "exhibit No. 30.")

Senator MUNDT. I think that should clarify the atmosphere, Mr. Welch, and everybody should be happy, and confirms a statement that I made the other day when I said senatorial bodies are reversible bodies and they do have the facility to meet problems as they arise.

I think in fairness to Mr. Carr, I should say one personal word. I met him in the hall last night afterward, and said something in a jocular manner about how it felt to be an ex-witness, or something of that kind, or an ex-principal, and he told me at that time that he had never quite understood his position at the committee table, because he was here allegedly as a principal but had never been called upon in the round robin of 10-minute questioning. He had no counsel. He did want me to know, however, that he felt he should have an opportunity to testify if anybody felt that he should.

So I think that should be said in fairness to Frank Carr; so that the strong, silent man, Mr. Welch, is available to you at any time that you want to have him testify.

Mr. Jenkins, you may proceed.

Mr. JENKINS. Mr. Cohn, you may proceed with your answer to the question.

Mr. COHN. Yes, sir. Mr. Adams stuck the money in my pocket. Afterward I saw Mr. Adams out in the corridor, and I asked him what it was all about. He told me that he wanted me to take the money. It was for the theater tickets and for the prizefight tickets. I told him that as far as the theater tickets were concerned, I would send the bill on to him or let him know how much it was and he didn't



have to be concerned about that. As far as the prizefight ticket was concerned, he was my guest and there was a number of months before and it was certainly no need for him to, at this date, give me any money for the ticket.

He told me that on the prizefight ticket he knew that Dave Schine had paid for the ticket. I told him he was quite wrong, that Mr. Schine had not paid for the ticket; that I had paid for the ticket. Mr. Adams, I might say, had jocularly suggested that Mr. Schine should pay for the tickets. I told him I had paid for the tickets, Mr. Schine had not. Anyway, he said, "I want to have all accounts between us closed; it is very important to you and very important to me."

I asked him what he meant by that, I didn't quite understand it. He said words to the effect, "I hope you will never know what I do mean by that, but some people are trying to get me to do something and I hope you don't know what it is; I hope you never find out, but we have to get the record straight now or it will be embarrassing to us both later on."

Under those circumstances, I did not give him back the money. I kept it. That was that.

Mr. JENKINS. What was the date of that conversation, Mr. Cohn?

Mr. COHN. The date of that conversation, sir, was February 18, 1954. It was the hearing at which Maj. Irving Peress appeared in public session before the subcommittee, I believe. It was the date of the Peress hearing. I believe that to be February 18.

Mr. JENKINS. Did you question him about who was trying to get him to do certain things that he said he hoped he would never have to do?

Mr. COHN. No, sir; he was very mysterious about the whole thing. I did not understand any detail about what it was about, and he pressed this money on me on that occasion, and made it very clear that he was determined I should take it and that there were very important reasons why I should, and I took it and that was that.

Mr. JENKINS. Mr. Cohn, did you ever have a conversation with Mr. Adams with respect to the Major Peress case?

Mr. COHN. I did, sir.

Mr. JENKINS. When was that?

Mr. COHN. The first time I told Mr. Adams about Major Peress was in December of 1953. I believe some time in the early part of December 1953.

Mr. JENKINS. Will you relate what was said on that occasion?

Mr. COHN. Yes, sir. I was in discussion with Mr. Adams about this, as I recall it, about this order permitting the commissioning of Communists, and I suggested to Mr. Adams that there were a number of Communists who currently held commissions in the Army.

Mr. Adams said that that was completely untrue; that there was not a single Communist who held a commission in the Army. I told him he was quite wrong. He asked me if I would give him the name of one. I gave him the name of one. I gave him the name of Maj. Irving Peress. He said he knew nothing about the situation, but he was positive that I was wrong. He said—he checked on it and I talked to him about it a few days later, I don't remember exactly when, sir, and he said that he was taking action on the Peress case.



I said, "Well, that means I am right, doesn't it; he is a Communist?"

Mr. Adams said, "Well, we are taking action on the case and the thing will be taken care of."

I told the chairman about that. I told him—he knew about the Peress case—I told him about this, and I told him what I told Mr. Adams. The chairman told me that we should give Mr. Adams a certain period of time to take care of the case himself, within the Army and get rid of Peress.

I think the chairman mentioned a month or 6 weeks; something along those lines. I mentioned the case to Mr. Adams on a number of subsequent occasions, including some early in January. There finally came a time in mid-January and after that, when Senator McCarthy kept questioning me as to whether they had gotten rid of Peress. I told him that as far as I knew they had not.

The Senator said he had waited long enough and that he wanted a subpoena served on Peress, and he wanted him prosecuted before the subcommittee. Peress was produced before the subcommittee on Saturday morning, January 30—I believe we checked the date on that, sir—in New York, at executive session.

Mr. Carr or the Senator. I don't know whom, invited Mr. Adams or some representative of the Army to be present to see whether or not this major was a Communist and just what his testimony should be. No representative of the Army came. Major Peress came and invoked the fifth amendment, as to just about everything—Communist Party membership, organizational activities, whether he was using his post in the Army to recruit soldiers into the Communist Party, whether he was holding Communist Party meeting at his home while he was stationed down at Camp Kilmer, whether he had been a Communist when he was promoted from captain to major, and things along those lines.

The testimony elicited the fact that in August of—that Major Peress, when he was commissioned, sir, as a captain, had an open record as a Communist. He was not a secret Communist, he had an open record. The files of the New York City Police Department, which were available to the Army and to G-2, contained statements by informants showing that Peress had attended Communist leadership school. Peress had been referred to in the Daily Worker a couple of years or a year or so before, as a contributor to Communist defense funds. In spite of that, he was commissioned a captain.

In August it developed, when the Army questioned him about his Communist activities. Peress claimed the fifth amendment, to the Army, and in spite of the fact that he claimed the fifth amendment, to the Army, they promoted him to the rank of major a couple of months thereafter.

Senator McCarthy, to put it mildly, was deeply distressed about the situation. This was a Saturday.

I believe on Monday, Monday morning, Senator McCarthy sent an open letter to Mr. Stevens, who was then in the Far East and was expected back in a day or so, addressed it to Mr. Stevens' office, and stated all the facts in Peress case and demanded that there be a court-martial of Major Peress, and that action be taken against all of those responsible for commissioning and promoting this fifth-amendment Communist.

Mr. JENKINS. What was the date of that letter, Mr. Cohn?

Mr. COHN. I believe it was February 1, 1954.

Mr. JENKINS. Did the Senator ever receive a reply to that letter?

Mr. COHN. He did, sir.

Mr. JENKINS. Do you know the tenor of the reply?

Mr. COHN. The tenor of the reply, sir, was that it was a very long letter, and if I might say, it said nothing. The Senator had requested the names of those who were responsible for the promotion of Peress, who were responsible for the cancellation of his orders, who were responsible for commissioning him. Mr. Stevens' letter was a long letter, but it did not give any of the names and, of course, to this day we don't have any of those names.

Mr. JENKINS. Peress had then been honorably discharged?

Mr. COHN. That is the important point, sir. Senator McCarthy wrote this letter on February 1 demanding that Peress not be honorably discharged, but saying that he should be court-martialed for his conduct as an officer in the Army, and for defying the Army by claiming the fifth amendment to the Army, and then claiming the fifth amendment before this committee for other Communist activities.

Mr. Stevens was out of the country, and the letter was handled by Mr. Adams in Mr. Stevens' behalf. I know that in talking with Senator McCarthy, Mr. Carr was in touch with Mr. Adams about this matter, and Mr. Carr earnestly asked Mr. Adams not to allow an honorable discharge to be issued to this fifth-amendment Communist major. He called him on numerous occasions, on February 1 and February 2. There were a few phone calls, a number of phone calls.

Finally we heard from other sources, Mr. Jenkins, that in spite of all this and in spite of the Senator's letter and before Mr. Stevens had a chance to return, that Major Peress was to be given an honorable discharge on the afternoon of February 2.

I understand that Mr. Carr telephoned Mr. Adams and begged him for the last time to hold up the honorable discharge until Mr. Stevens got back, saying it would be a very bad mistake to give an honorable discharge to this fifth amendment Communist.

Mr. Adams declined to do this, and I believe that on February 2, an honorable discharge was given to Major Peress.

I then know from Senator McCarthy, sir, that I believe on the night of February 2 or February 3, I think probably the 2d, Senator McCarthy telephoned Mr. Adams at Mr. Adams' home and told Mr. Adams in no uncertain terms what he thought of the manner in which Mr. Adams had handled the Peress case. Mr. Adams was directly responsible for failure to delay the honorable discharge despite open and public warnings by Senator McCarthy that this honorable discharge would be a very serious mistake and that any action on it should be held up until Mr. Stevens returned.

I know that that conversation took place.

On the 18th, Mr. Adams was in New York when Major Peress appeared in public session.

Mr. JENKINS. The 18th of what month?

Mr. COHN. February. That is the date Mr. Adams gave me back that money, paid me that money.

Then General Zwicker appeared that afternoon, and I won't go into that, other than to say that General Zwicker had been cooperative with a representative of the staff of the subcommittee who had privately

interviewed General Zwicker on, I believe, the Saturday before General Zwicker testified. General Zwicker had told this investigator a lot of facts and a lot of important facts about how this fifth amendment Communist had been promoted, and other things concerning this fifth amendment Communist's treatment in the Army.

When General Zwicker appeared before the committee he was asked the very same questions, and he just didn't give any answers. He was just quiet about the whole thing.

Mr. Adams was next to him advising him, and it became very apparent from the questioning of the witnesses that Mr. Adams had been working on them the previous afternoon. I believe it was the previous afternoon. The day before, Mr. Adams had gone up to see them.

Senator McCarthy concluded that Mr. Adams had told them to keep quiet and not to give the committee the information. That did not help relations between Senator McCarthy and Mr. Adams at that point. The Senator was quite annoyed about it.

This hassle on General Zwicker developed, and on the next night, sir, February 19, Mr. Carr from New York spoke to Mr. Adams, and then called me and asked me if I would call Mr. Adams and talk to him to see if we could not avoid the further questioning of people like General Zwicker and get in instead the person who had given General Zwicker and others the orders to keep quiet.

I called Mr. Adams and I told Mr. Adams that I thought in justice to General Zwicker and the officers involved, the proper person to produce was the man who had given the orders silencing General Zwicker and these other officers and let that man tell why he had ordered them to defy the subcommittee.

Mr. Adams did not agree and I remember we got into—it was supposed to be a short conversation, but we got into an extended discussion of the Peress case, in the course of which I told Mr. Adams that I had warned him about that case for a period of months and that he had done nothing about it. He admitted that. He said, I think, he had written 1 letter or made 1 phone call and had forgotten to follow it up or had not followed it up.

Then I took up the question of the honorable discharge and Mr. Adams said, well, he just wasn't going to delay it and he didn't delay it, and that was that. He said, "Anyway, you seem to think the proof on Peress was awfully strong. I don't." I told him that I couldn't think of much stronger proof on anyone, on a major or captain in the Army than the fact that he claimed the fifth amendment before the Army itself on a typical Army loyalty-to-the-United States form. The fact that the police files contained the statement by New York City policemen who had been undercover agents in Communist cells with Peress, that the Daily Worker mentioned him by name as a contributor to Communist defense funds, and that he invoked the fifth amendment before the committee.

I added the statement that I was sure that the FBI had full information on Peress which had been available to Mr. Adams and to the people in the Army.

At that point Mr. Adams made some derogatory comments concerning the FBI and said:

Well, who pays attention to their reports anyway? They are just a lot of hearsay and I am not going to listen to an FBI report about something like this.



That expression does not happen to be along my way of thinking, and there was not much more to the conversation.

While I was talking with Mr. Adams, it was from a hotel room in Albany where we were conducting hearings. We had Felix Inslerman, who had been the photographer in the Alger Hiss case. Senator McCarthy was present and two or three other men were in the room while I had this conversation with Mr. Adams.

With the exception, Mr. Jenkins, of a casual meeting with Mr. Adams at the beginning of March at a hearing in the hearing room of the committee at which he again invited me out to lunch, which I declined, I have had I believe no further contacts with Mr. Adams. I have not seen Mr. Stevens since the 17th of November, and I believe, sir, this is about the substance of what you want me to tell you on this part of the examination.

Mr. JENKINS. Mr. Cohn, approximately how many times did you talk to Mr. Adams with respect to Major Peress and with respect to the documents to which you have just referred, which were in existence and which, as you claim or say, shed light upon his communistic leanings?

Mr. COHN. Sir, I don't recall having discussed the police department documents with Mr. Adams until this February 18-February 19 incident. I did very definitely discuss with Mr. Adams the fact that I had information that Peress as an Army officer had defied the Army back in August, had refused to answer questions when the Army asked him questions and that there was written documentation as to that.

Mr. JENKINS. Was that documentation in the possession of the Army?

Mr. COHN. Of course it was. They have never given it to us but I am sure it is there, sir. I am sure it is there and I am sure it is available to Mr. Adams.

Mr. JENKINS. Did you advise Mr. Adams that Peress had taken the fifth amendment before your committee?

Mr. COHN. I did not. But after Major Peress did take the fifth amendment before the committee, there were newspaper stories about it, and I believe Mr. Adams was directly and personally advised by Mr. Carr as to exactly what had transpired, exactly what had transpired, and Mr. Adams had been invited by Mr. Carr, I believe, to be present at the session when Major Peress testified. In fact, I think Mr. Carr urged him to be there.

Mr. JENKINS. And, of course, he testified prior to his discharge?

Mr. COHN. He did. He testified and invoked the fifth amendment before our committee prior to the time the Army gave him an honorable discharge.

Mr. JENKINS. Do you know whether or not Senator McCarthy ever talked to Mr. Adams about the Peress case and about the evidence you had given him?

Mr. COHN. I know he talked to him on a number of occasions, sir, and I know specifically that Senator McCarthy telephoned Mr. Adams, I believe at Mr. Adams' home, on the night of February 2, and told Mr. Adams just what he thought of the way in which Mr. Adams had handled the Peress case.

Mr. JENKINS. And you say that you know Mr. Frank Carr likewise talked to Mr. Adams about it?



Mr. COHN. Yes, sir, and I know Mr. Adams told Mr. Carr about some of the things Senator McCarthy had told Mr. Adams about the way Mr. Adams had handled the Peress case.

Mr. JENKINS. Have you ever ascertained who was responsible for the promotion of Peress, Mr. Cohn?

Mr. COHN. Sir, it has been a long number of months now, and we have never, despite frequent, repeated, oral, written, telephonic, personal and every other kind of request, plea and demand, been given that information, and I doubt that we ever will be, the way things look now.

Mr. JENKINS. Have you ever been given information as to who was responsible for his honorable discharge?

Mr. COHN. The only one that we know of who dealt with his honorable discharge during that February 22 period, other than the Zwicker testimony, is Mr. Adams, and we don't know what major role Mr. Adams played in that, whether he was acting under orders from someone else or not. We have not been told. I am sure no one can say we haven't asked.

Mr. JENKINS. Now, Mr. Cohn, as a final question on direct examination—

Mr. COHN. Yes, sir.

Mr. JENKINS. And with respect to yours and Senator McCarthy's charges against Mr. Stevens and Mr. Adams, is there any other fact now or are there any other facts which, in your opinion, shed light upon the truth or falsity of those charges that you now care to state to this committee?

Mr. COHN. As far as our answers and our account of what happens, sir, I believe I have given you the substance. I am sure that there are other incidents and other events which might shed light on this which I have overlooked or omitted because I knew they would be covered by others or on cross-examination. But I am sure that under your cross-examination and that of Mr. Welch and the Senators, all of the facts will come out.

Mr. JENKINS. Now let me make this statement, and I don't make it for your benefit, because you are perfectly aware of the role, the dual role, in which I serve. But for the benefit of those who tuned in late, shall we say, Mr. Cohn, it is not a pleasant thing to cross-examine a witness, especially after one has conducted the direct examination. It has, I think I should say in all truth, been a painful thing to cross-examine the Secretary of the Army and Mr. Adams and others, and it is not a personal thing. It is purely official and in conformity with what I deem to be my duty. I do hope that you and those who are interested and those who are hearing and seeing these proceedings will understand that.

Mr. COHN. It is your duty, sir, and I will do my best to answer your questions.

Mr. WELCH. Mr. Chairman?

Before you begin, Mr. Jenkins, one single word. It seems to me that in fairness to those in the room and those who listen, that the counsel for the committee should state a second time—it has been said before—that the names of those who were connected with the Peress discharge have been handed to the counsel for the committee days ago.

Mr. COHN. Handed to the counsel, sir, and handed right back to the Army and we have never seen them.

Mr. WELCH. You are quite wrong in that, Mr. Cohn. It was shuffled back and forth but it ended up in the possession of my good and trusted friend Mr. Jenkins.

Mr. COHN. If Mr. Jenkins will show it to us, we will be very happy.

Mr. JENKINS. I believe it is still in my possession despite the fact that I tried to escape the responsibility. It is marked "Confidential." It has not been opened by me. I see no purpose whatsoever in it remaining in my possession and I have no intention of opening that envelope. I now tender it back, Mr. Welch, and I do hope you will take it.

Mr. WELCH. It was the Senator who wished it to remain in your possession.

Senator MUNDT. I think the Chair settled that previous altercation by saying it should remain in your hands until we have a chance to have an executive meeting to see what can be done, if anything, to get rid of its confidential status, so that the country and the people may know who is responsible for Major Peress. We do not expect you to violate the confidential order.

Mr. JENKINS. Now, Mr. Cohn, in order to channel the area of our inquiry, let us again re-state the issue about which I desire to cross-examine you. That is that you and Senator McCarthy, and Mr. Carr, are charged by Mr. Stevens and by Mr. Adams with using improper means with them for the purpose of securing preferential treatment for G. David Schine. You understand that, do you not?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, how long have you known Mr. Schine?

Mr. COHN. I have known him well, sir, I would say for about 2 years.

Mr. JENKINS. Well, how long have you known him?

Mr. COHN. I might have met him prior to that 2-year period casually or around town. I have no definite recollection of it, but it might have happened.

Mr. JENKINS. I believe you are a native of New York City?

Mr. COHN. Yes, sir.

Mr. JENKINS. And so is Mr. Schine?

Mr. COHN. Well, he is a native of up-State New York but he does spend a good deal of time in and around New York City.

Mr. JENKINS. What was the occasion of your meeting him and coming in contact with him, Mr. Cohn? Was it official or was it social or otherwise?

Mr. COHN. It was a luncheon arranged by a mutual friend.

Mr. JENKINS. Approximately 2 years ago?

Mr. COHN. Yes, sir.

Mr. JENKINS. Now, Mr. Cohn, since that time you and David Schine have been what we might call warm personal friends, have you not?

Mr. COHN. He is one of my many good friends, sir, yes.

Mr. JENKINS. One of your many good friends. And in all fairness, Mr. Cohn, isn't it a fact that he is one of your best friends? We all have our best friends. There is no criticism of you on that account.

Mr. COHN. No, of course not, sir.

Mr. JENKINS. We have friends whom we love, I do. And the relationship between you and Dave Schine has been very close for the past 2 years, hasn't it?

Mr. COHN. Yes, sir. He is one of a number of good friends I am proud to have.

Mr. JENKINS. You have known him socially?

Mr. COHN. I have.

Mr. JENKINS. Visited in his home?

Mr. COHN. Yes, sir.

Mr. JENKINS. He has visited in your home?

Mr. COHN. Yes, sir.

Mr. JENKINS. And you have perhaps double dated together? There is no reflection on anything about that. You are both single young men as we understand it.

Mr. COHN. We have been on double dates, sir.

Mr. JENKINS. And that was in New York City?

Mr. COHN. Yes, sir.

Mr. JENKINS. And when you came to the McCarthy committee, I believe you say in January 1953—

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn came when?

Mr. COHN. Mr. Schine?

Mr. JENKINS. Mr. Schine.

Mr. COHN. He came 2 or 3 weeks thereafter, I believe.

Mr. JENKINS. 2 or 3 weeks thereafter.

Now, Mr. Cohn, Mr. Schine resigned his position in New York City in order to come with the McCarthy committee, did he not?

Mr. COHN. No, sir.

Mr. JENKINS. What was his position in New York City?

Mr. COHN. His main business position, I believe, was president and general manager of the Schine Hotel Corp.

Mr. JENKINS. President and general manager?

Mr. COHN. Yes, sir.

Mr. JENKINS. Does he still hold those positions?

Mr. COHN. As far as I know, he does, sir. I am sure he is not spending too much time in it.

Mr. JENKINS. But he came here, as we understand it, as an unpaid consultant?

Mr. COHN. He worked for us as an unpaid consultant; yes, sir.

Mr. JENKINS. And has worked ever since until his induction into the Army as an unpaid consultant?

Mr. COHN. He has, sir.

Mr. JENKINS. And came within approximately 2 or 3 weeks of the time you came?

Mr. COHN. Yes, sir.

Mr. JENKINS. Upon whose recommendation was he retained by Senator McCarthy?

Mr. COHN. That is a long story, sir, but for these purposes I would be glad to say that I was one of the people who did recommend him.

Mr. JENKINS. And upon your recommendation, and perhaps that of others, he was retained and worked with you, actively, on this com-

mittee, up until the time he was inducted into the Army; is that correct?

Mr. COHN. Yes, sir.

Mr. JENKINS. Now, Mr. Cohn, you knew that Dave Schine was a prospective draftee in the Army, did you not?

Mr. COHN. At what point, sir?

Mr. JENKINS. Well, suppose I ask you at what point. When did you learn?

Mr. COHN. Well, when he came with the committee sir, he was physically—he had been in the Army Transport Service and he was currently physically disqualified for service in the Army. He was in IV-F, so far as I know.

Mr. JENKINS. When did you learn that there was a likelihood or even a possibility of Dave Schine being inducted into the Army?

Mr. COHN. I knew, sir, that steps were being taken to cause him to be reexamined physically. I believe in the early summer of 1954.

Mr. JENKINS. Do you mean 1953?

Mr. COHN. 1953, you are right. I am sorry.

Mr. JENKINS. The early summer. Do you mean June?

Mr. COHN. Around that time, yes, sir.

Mr. JENKINS. Well, Mr. Cohn, you knew in July, of course, you knew ever since June, that Dave Schine was likely to be drafted into the Army, did you not?

Mr. COHN. Sir, the first step was the physical, the reexamination. If he were kept in the status in which he had been, of physical disqualification, he could not have been. It was after he passed the physical examination and it was found that the physical defect he had was remedied, from that point on I would say he certainly was eligible for call back into the Army.

Mr. JENKINS. When did he pass his physical?

Mr. COHN. It was July, I believe.

Mr. JENKINS. July?

Mr. COHN. Yes, sir.

Mr. JENKINS. The early part of July?

Mr. COHN. Yes, sir.

Mr. JENKINS. When in July, specifically?

Mr. COHN. The early part.

Mr. JENKINS. Sometime before the 8th day of July?

Mr. COHN. Yes, sir.

Mr. JENKINS. Then from a period prior to the 8th day of July until he was actually inducted on November 3, you knew, Mr. Cohn, that Dave Schine would in all likelihood be inducted into the Army, did you not?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, Senator McCarthy knew that, also?

Mr. COHN. Yes, sir.

Mr. JENKINS. The members of the staff knew it? It was common knowledge among the members of the staff; is that right?

Mr. COHN. It was certainly no secret.

Mr. JENKINS. That is what we understand.

Mr. COHN. That is right.

Mr. JENKINS. Why, Mr. Cohn, did you not then, when you knew or realized, as did the Senator, that you were about to lose a member



of your staff—why did you not then take steps to replace this young man?

MR. COHN. Sir, it wasn't a question of replacing him. It was a question of the work which he was doing and had previously been doing.

MR. JENKINS. I know, but you knew certainly before the 8th of July that here was a young man who was going to leave you. Do you mean to say that after July 8 you gave committee work to this young man to do?

MR. COHN. Yes, sir. We used him as long as we could.

MR. JENKINS. Notwithstanding the fact that you knew—did you know about when he would be inducted?

MR. COHN. Yes, sir.

MR. JENKINS. Did you know about what time ordinarily elapsed between the passing of a physical examination and the actual induction?

MR. COHN. I think the time varies, sir.

MR. JENKINS. The time varies?

MR. COHN. Yes, sir.

MR. JENKINS. And this time it was July, August, September, October—4 months, wasn't it?

MR. COHN. Yes, sir.

MR. JENKINS. In spite of that fact, you continued to feed work to him from time to time; is that right, Mr. Cohn?

MR. COHN. Yes, sir.

MR. JENKINS. Knowing that ultimately you would lose him?

MR. COHN. Yes, sir.

MR. JENKINS. Can you explain to this committee why this McCarthy committee, carrying on this tremendously important work, as you say, of digging out Communists and subversives and all that sort of thing, had on its staff a young man whom you knew you would lose but to whom you say you continued to assign additional work? Mr. Cohn, why did you do that, if you have any explanation of it?

MR. COHN. Yes, sir. The reason is that the work assigned to him was additional work dealing with matters on which he had already begun to work and matters on which he had special knowledge.

MR. JENKINS. What character of work had he been doing and had he done from, we will say, in January—that is about when he came; isn't it?

MR. COHN. I think it was February.

MR. JENKINS. All right. January or February. What character of work had Dave Schine been doing from the inception of his employment by Senator McCarthy up to July 8?

MR. COHN. I would say just about everything, sir.

MR. JENKINS. Well, Mr. Cohn, could you be a little more particular—

MR. COHN. I could, sir.

MR. JENKINS. And tell us just what character of work he was doing?

MR. COHN. Yes, sir.

MR. JENKINS. We are going to get along better, you know, if we get answers. You are reputed to be, and I don't deny it, one of the smartest lawyers in these parts.

MR. COHN. I deny it, sir.

Mr. JENKINS. Well, all right. My question was: What character of work was Dave Schine doing from, we will say, early in February—assuming that is when he came to Senator McCarthy—up to July 8?

Mr. COHN. Very well, sir.

Dave Schine came with the committee as an unpaid consultant originally to work on an investigation of the information, the United States information program and the Voice of America, matters to which Dave had given a number of years' study and writing before he did come with our committee. The type of work he did, to answer your question, was this: He interviewed personally and on many occasions, in fact most occasions, alone, I would say hundreds of witnesses working at the Voice of America and in various parts of the information program and having knowledge of the Voice of America and the information program. He checked out the facts obtained from these witnesses, obtained documentation, participated in the setting up of what were a large number of executive sessions and public hearings held by this committee in connection with that investigation.

Mr. JENKINS. May I interrupt you there?

Mr. COHN. Surely.

Mr. JENKINS. He interviewed hundreds of witnesses?

Mr. COHN. He did.

Mr. JENKINS. With respect to the Voice of America, we will say?

Mr. COHN. He did, sir.

Mr. JENKINS. All right, Mr. Cohn, of course he documented the names of those witnesses, I assume?

Mr. COHN. He documented the names of many of those witnesses, sir.

Mr. JENKINS. Not all of them, you mean?

Mr. COHN. I can't say that he documented the names of all of them, sir.

Mr. JENKINS. You have files in your office here in this building; do you not?

Mr. COHN. We do, sir.

Mr. JENKINS. You have stenographers and secretaries at your disposal?

Mr. COHN. We do, sir.

Mr. JENKINS. You keep a file on each individual investigation?

Mr. COHN. We do, sir.

Mr. JENKINS. Of course, you had a file on Dave Schine's work with respect to the Voice of America; didn't you?

Mr. COHN. To a limited extent, sir.

Mr. JENKINS. Were your files on other cases to a limited extent?

Mr. COHN. Very probably, sir.

Mr. JENKINS. Mr. Cohn, do you mean to tell us that Dave Schine in carrying on this work with respect to the Voice of America did not, after his conference or interview with each witness, make a memorandum for the file?

Mr. COHN. No, sir.

Mr. JENKINS. You say there were hundreds of such witnesses?

Mr. COHN. Yes, sir. There were memorandums made, trial briefs we called them, of interviews of a great number of witnesses. There were a number of witnesses as to whom no such trial briefs or memorandums were made, and I would be glad to tell you why.

Mr. JENKINS. Did you work with him in the interviewing of those hundreds of witnesses with respect to the Voice of America?

Mr. COHN. On some occasions I did, sir. On some I did not.

Mr. JENKINS. On those occasions when you worked with him, did you make a file?

Mr. COHN. On some I did, and some I did not. Those in Washington I did. Very frequently those interviewed in New York I did not.

Mr. JENKINS. Why did you not make a file on those in New York and a memorandum or at least a synopsis of their testimony, their names, and their addresses?

Mr. COHN. Sir, because when we were in Washington we had a secretarial staff available down here and we would dictate, after talking with the witness, a trial brief or memorandum.

When we worked up in New York, we engaged an outside stenographer to come in and do that same type work up in New York for us. That went on for a short period of time and when the bill was submitted by the outside stenographer that bill was disallowed by the Senate Disbursing Office, which said we had no right to hire stenographic help in New York.

From that point onward, I believe, we did not hire stenographic help in New York. We made some penciled notes, some penned notes, but we did not maintain this trial brief system as we did in the case of Washington witnesses.

Mr. JENKINS. You shuttled back and forth between New York and Washington, didn't you?

Mr. COHN. We did.

Mr. JENKINS. And you didn't have a stenographer at your disposal at all times in New York City?

Mr. COHN. We did not, sir.

Mr. JENKINS. But when you didn't have you made pencil notes, you say?

Mr. COHN. On some occasions.

Mr. JENKINS. Mr. Cohn, if you examined a witness with respect to subversion or subversive propaganda or the Voice of America or whatever you want to call it, do you mean to tell us, Mr. Cohn, that you didn't then and there write down the name of that witness, his address, his telephone number? Is that what you are telling us?

Mr. COHN. On all occasions we did not, sir.

Mr. JENKINS. On all occasions. Well, can you explain why you would go to a witness—I am talking about material witnesses?

Mr. COHN. Surely.

Mr. JENKINS. Witnesses by whom you would expect to establish facts. I think if you interviewed a witness who knew nothing you didn't care anything about him. Dave Schine's knowledge of that witness wouldn't be important to you, would it?

Mr. COHN. Not if he knew nothing on a particular point.

Mr. JENKINS. Very well.

Mr. COHN. Just one qualification, sir. It might develop that a witness would say something which we were not interested in on that point. Something might later arise and we would think back that there were witnesses we had talked to who did have something to say on something we weren't then interested in but which came up later. That happened.



Mr. JENKINS. What you are telling us is that you and Mr. Schine would go and interview these witnesses, ascertain the area of their knowledge, the extent of their knowledge, and would not at all times even make a notation, a memorandum of their names and their addresses. Is that right, Mr. Cohn?

Mr. COHN. Yes, it is.

Mr. JENKINS. Can you give the committee any explanation of why you conducted your investigations in that manner?

Mr. COHN. Yes, sir. The best explanation I can give to the committee on that, as I think members of the committee know, is that we have a very limited staff. They worked hard. They know no hours. They work nights. There were times they would not allow a stenographer to work. They talk on occasions to dozens of witnesses in different places on a day and on a night. This small group of people down on that staff do a job, a wonderful job which is not done by people many times their number I think in a lot of other places. I think that if there are some lapses in efficiency of our files or the setup is not what it might be in a large corporation or something like that, I think the members of the committee can understand the limitations under which we work, and if there is any blame to be attached for certain lack of efficiency on some things, I am sure that blame is mine.

Mr. JENKINS. Mr. Cohn, was that one reason why you wanted Dave Schine at your disposal after he was inducted in the Army, that is, to give you reports on his investigations with these witnesses?

Mr. COHN. Generally, yes, sir. You are right. The one important category was the fact that there had been witnesses to whom he had talked, concerning whom we needed information or more complete information than we had, and in going through files or in going into other matters, it became necessary, and Senator McCarthy found it necessary on a number of occasions, for us to communicate with Mr. Schine and get information from him or get clarification and advice from him on certain situations.

Mr. JENKINS. Well, when you would get that information from Mr. Schine—

Mr. COHN. Yes, sir.

Mr. JENKINS. Would that be documented information that he had or just had he had lodged here in his brain, in his mind?

Mr. COHN. A good deal of it, sir, was information which he had in his mind. We would sometimes go down with lists of witnesses, I came across one the other day, and he would give us his recollection as to what those witnesses could or could not help us on, as best he remembered it. There were other occasions when there was not documentation.

Mr. JENKINS. When you realized prior to July 8 that this young man was going to leave you, why didn't you then have him sit down with a stenographer, here in Washington, and document all of this information that was peculiarly within his own knowledge and about which nobody else knew?

Mr. COHN. We did take certain steps along those lines, sir.

Mr. JENKINS. I know, Mr. Cohn. But why didn't you do what I asked you there? Why didn't you have Dave Schine sit down with a stenographer and say in effect, "Now, Dave, you are leaving us. You know facts that we want to know. Sit down here and dictate it, because you are going."



Why didn't you do that, Mr. Cohn?

MR. COHN. We did not do that to a complete extent, sir, because it was impossible for us at that time to anticipate every single thing that might arise on a later occasion. We tried to anticipate some of the important things. We tried to cover them. We were successful in some cases. In others we were not successful. Our communications with Dave after he was in were about things which arose on the spot then and which needed clarification, where we needed some information from him.

MR. JENKINS. And you say that subsequent to July 8, when you knew you were going to lose him, you continued to give additional assignments of work to him?

MR. COHN. He continued to work for us, sir—I don't believe he started any new matters, but he continued to work for us on matters or which he had been working up until the very time he went in, sir.

MR. JENKINS. Now, in the main he had been working on matters pertaining to the Voice of America, as we understand it?

MR. COHN. That was certainly one of the very important things he was doing.

MR. JENKINS. What other important thing was he doing, Mr. Cohn?

MR. COHN. He was working on preliminary investigations of the Army, of another of a certain Government intelligence agency, not the FBI, he was working on a preliminary investigation concerning possible delay in the development of the hydrogen bomb, possible Communist connections on the part of persons concerned with the development of the atomic bomb and the hydrogen bomb, he was working on Communist infiltration in the United Nations and UNESCO; he worked on the Government Printing Office investigation. There are undoubtedly others, but those are ones which specifically occur to me right now, sir.

MR. JENKINS. How many men were on your staff?

MR. COHN. Very few, unfortunately. I believe, sir, we had about 9 or 10 working there. That is subject to correction. I might be 1 or 2 off. I might say this, Mr. Jenkins, the setup at the beginning, the first 6 months or so, was such that practically the only people working on certain things were Dave Schine and myself, with some occasional help from 1 or 2 other investigators. The rest of the subcommittee staff was working on investigations with which I had nothing to do, under the direction of Senator McCarthy.

MR. JENKINS. Now, Mr. Cohn, from July 8 to November 3 is a period of approximately 4 months, isn't it?

MR. COHN. Yes, sir.

MR. JENKINS. And during that 4 months period, you and the Senator from Wisconsin knew that this boy was leaving you?

MR. COHN. Yes, sir.

MR. JENKINS. And in spite of that fact, you are telling this committee that you did not have him get his work current, get his reports in, complete his memoranda, so that you would have the benefit of all the knowledge that he had when the day came that he put on the uniform of the United States Army?

MR. COHN. My answer, Mr. Jenkins, sir, is that we took as many steps as we possibly could, consistent with our setup, to transfer work and see that things with which he was involved would be carried out without him.

Mr. JENKINS. But you did not do what I just asked you, did you?

Mr. COHN. We did not and could not have done a complete job. We tried. If we did not succeed, I am sorry.

Mr. JENKINS. And on the other hand, you continued to assign additional work to this young man?

Mr. COHN. When you say additional work, Mr. Jenkins, I don't think we assigned any work on any new investigations to Mr. Schine, from that point on.

Mr. JENKINS. Mr. Cohn, since July 8, and before November 3, do you have files made up as a result of reports given by Dave Schine?

Mr. COHN. There are undoubtedly reports given by him, sir.

Mr. JENKINS. Are they dated?

Mr. COHN. I don't know, sir. I haven't looked. I will be glad to and supply to you whatever we have.

Mr. JENKINS. Where would they be?

Mr. COHN. In the subcommittee office, I believe, sir.

Mr. JENKINS. I believe I heard you testify yesterday on direct examination, or perhaps it was Senator McCarthy's statement, that you in all probability had thousands of files there, is that right?

Mr. COHN. I am again going to say that I probably am guilty of inefficiency, sir, but I don't believe I have ever personally gone through any of the filing cabinets. I think—I would say that there must be a thousand files, or something like that.

Mr. JENKINS. Well, have you gone through the file on the Voice of America?

Mr. COHN. I have not for some time, sir. There is no file on the Voice of America as such, as far as I know, Mr. Jenkins. There are probably upward of a hundred files dealing with the information program and the Voice of America investigation. Mr. Carr keeps the files as best he can, I think, according to an FBI technique, which I think is good. It is somewhat difficult to understand. But there are a great number of files on the Voice of America, and the information program investigation.

Mr. JENKINS. Mr. Cohn, can you produce to us any reports, documented, made by Dave Schine between July 8 and November 3?

Mr. COHN. I imagine so, sir.

Mr. JENKINS. How is that?

Mr. COHN. I am sure if we went through the files we could.

Mr. JENKINS. You are sure that you can?

Mr. COHN. Will you do so?

Mr. COHN. I will be glad to, sir.

Mr. JENKINS. Can you, Mr. Cohn, produce to this committee any documents prepared by Dave Schine during his 8 weeks training at Fort Dix?

Mr. COHN. I can.

Mr. JENKINS. You can?

Mr. COHN. Yes, sir.

Mr. JENKINS. What were those reports on?

Mr. COHN. The principal thing, sir, was the 3 interim reports of this subcommittee on the 3—on the investigation being conducted on the information agency and the Voice of America. Specifically, the 3 interim reports, are, No. 1, on I believe the engineering facilities of the Voice of America, subtitled "Baker East and Baker West"; No. 2, the United States Information Centers; and No. 3, the Infor-

mation Agency proper, with the Voice of America as a subdivision, plus sections relating to those interim reports which appear in the annual report of the subcommittee.

Substantial part of those reports were prepared by Dave Schine while he was in the Army.

And to further answer your question, sir, I imagine some of his notes are around and some other things along those lines.

Mr. JENKINS. So the principal reason that you wanted conferences with Mr. Schine after he was drafted in the Army was to assist you in preparing the reports that you spoke of?

Mr. COHN. Sir, I don't know if it was the most important information we got.

Mr. JENKINS. What was the most important, Mr. Cohn?

Mr. COHN. There might be a difference of opinion on the staff about that. Some of the boys feel that the most important matters discussed with him were interviews which he had conducted concerning Fort Monmouth and the radar installations and information which he had about that.

Mr. JENKINS. Were those interviews documented?

Mr. COHN. Pardon me, sir?

Mr. JENKINS. Were those interviews reduced to writing?

Mr. COHN. I don't know whether they were or not. I know that information was obtained from him, and I know that certain action was taken on the basis of that information.

Mr. JENKINS. Who interviewed him?

Mr. COHN. On that?

Mr. JENKINS. Yes.

Mr. COHN. I talked to him about that. Senator McCarthy talked to him. Jim Juliana talked to him. I believe Frank Carr probably talked to him.

Mr. JENKINS. Sometimes you talked to him on the post at Fort Dix?

Mr. COHN. Yes, sir.

Mr. JENKINS. Sometimes you talked to him elsewhere?

Mr. COHN. Yes, sir.

Mr. JENKINS. While he was at Fort Dix, Mr. Cohn, did he do any investigative work for the committee?

Mr. COHN. Investigative?

Mr. JENKINS. Yes.

Mr. COHN. The only investigative work he would have done, sir, is I think that after training, certain weekend periods after training, I think it is probable that he did interview a number of witnesses.

Mr. JENKINS. Do you know with respect to what subject?

Mr. COHN. I can at this moment, sir, recall one dealing with communism in defense plants. I think that he talked with some witnesses he had been handling on the Voice of America and information program investigation.

Mr. JENKINS. Did he make written memoranda of those interviews?

Mr. COHN. I am inclined to think that he did, sir. In fact, on the Voice of America, I know he caused a witness to whom he talked to draw up a written report, with certain statements and recommendations. I believe he had that written report sent to me with a copy to him. I noticed that the other day.

Mr. JENKINS. Mr. Cohn, we will get back to the work done by Mr. Schine while he was at Fort Dix a little later.



You, being a lawyer, of course understand the importance of the independence of the three great branches of the Government, do you not?

Mr. COHN. I do, sir.

Mr. JENKINS. You understand the reason why there is a check and balance, and that one should be and must be entirely independent of the other?

Mr. COHN. I think I can agree with you to a certain extent, sir. I am sure you don't want my views on the separation of powers doctrine. I believe that there of necessity has to be a certain amount of overlapping and working together. I don't believe that complete independence of the 3 branches should mean defiance of 1 branch by another branch.

Mr. JENKINS. You of course are with the legislative branch.

Mr. COHN. Yes, sir.

Mr. JENKINS. Secretary Stevens is with the executive branch.

Mr. COHN. Yes, sir.

Mr. JENKINS. You knew this boy was about to become a member of the Army.

Mr. COHN. Yes, sir.

Mr. JENKINS. You knew it prior to July 8.

Mr. COHN. Yes, sir.

Mr. JENKINS. I will ask you, Mr. Cohn, whether or not you knew that Senator McCarthy first talked to General Reber on July 8?

Mr. COHN. I don't know the exact date, but General Reber said it was July 8, and I am sure that is it.

Mr. JENKINS. You heard General Reber testify that Senator McCarthy on that date asked him for a direct commission.

Mr. COHN. I don't know if the testimony was that the Senator asked him for it. I think it was, sir, if I am correct, that he wanted to know if Dave was qualified for a commission in the Army, and what he should do or could do to get it, yes, sir.

Mr. JENKINS. I will read you what General Reber said. We are talking about the 8th day of July now, and General Reber was a general in the Army, as you know, and the man contacted by Senator McCarthy. He was assigned as a sort of liaison officer between the Army and the Senate. You knew that?

Mr. COHN. I knew, sir, that it developed that General Reber's job was the processing of applications just such as this, yes, sir.

Mr. JENKINS. I will read you what General Reber said on page 24:

At that time Senator McCarthy informed me that he was very much interested in obtaining a direct Reserve commission for his consultant, Mr. G. David Schine.

Mr. Cohn, you heard General Reber testify to that, didn't you?

Mr. COHN. I did.

Mr. JENKINS. You knew that Senator McCarthy did that, didn't you?

Mr. COHN. The conversation I heard, sir, was Senator McCarthy asking General Reber whether Dave Schine would qualify for a commission, and if he would, how Dave would go about applying for it.

Mr. JENKINS. I point out further to you the testimony of General Reber:

The Senator pointed out, as I recall it, that he felt that Mr. Schine, because of his background of investigative experience with the committee, was fully qualified for a commission.



Mr. Cohn, you were there on that occasion, weren't you?

Mr. COHN. Yes, sir.

Mr. JENKINS. Further:

At about that time, as I recall it, a few minutes after I initiated my conversation with the Senator, Mr. Cohn came into the room.

That is correct, isn't it?

Mr. COHN. Yes, sir.

Mr. JENKINS. And it says further:

Mr. Cohn also emphasized—

That is true, isn't it, Mr. Cohn?

Mr. COHN. Emphasized what, sir?

Mr. JENKINS. He says:

That is, that this boy was qualified by reason of his investigative experience for a commission in the Army.

Mr. COHN. I am sure I could have said that.

Mr. JENKINS. You emphasized that?

Mr. COHN. There is nothing wrong with that, as far as I know.

Mr. JENKINS. I understand that. If that is just an isolated event and nothing else—

Mr. COHN. I didn't mean there was nothing wrong with the act. I mean I have no disagreement with that testimony.

Mr. JENKINS. At that time a United States Senator and you, as his chief counsel, were talking to General Reber about a commission for your friend, close companion, and a member of the McCarthy investigating staff. That is correct, isn't it?

Mr. COHN. It is correct to this extent, sir: We were talking to the man on Capitol Hill charged with the duty of processing applications such as this for people working on Capitol Hill, about an application that might be filed by someone who was working on Capitol Hill. Yes, sir.

Mr. JENKINS. I see. You wanted this friend of yours and you wanted this member of the McCarthy staff to receive a direct commission instead of entering the Army as a raw private, didn't you?

Mr. COHN. I thought he was entitled to a commission, sir.

Mr. JENKINS. I know, but answer my question.

Mr. COHN. Oh, yes, I thought he was entitled to a commission. I still do.

Mr. JENKINS. Yes, sir.

Mr. Cohn, I will ask you if it isn't a fact that from that time, that is, July 8, until the last day of July, a period of about 22 or 23 days, if you didn't call General Reber practically every day with respect to this commission for G. David Schine?

Mr. COHN. No, sir.

Mr. JENKINS. How many times did you call him?

Mr. COHN. I have no idea how many times, sir. I can give you a general idea.

Mr. JENKINS. All right, will you please do so?

Mr. COHN. As General Reber testified, I believe, when he was leaving Senator McCarthy's office, the Senator told me in General Reber's presence to follow the matter up with General Reber. I did that. I don't know how many times I spoke to General Reber. I would say

it might have been 3 times, 4 times, something like that. I do know, sir, that I would place a call to General Reber and it would usually be 2 or 3 days before I would get to talk to him. He apparently spent most of his time up on Capitol Hill going in and out of the offices of the various Senators and the various committees, and he was a busy man and it was no easy job to get him on the telephone. I don't think I talked with him every day. I think that is a gross exaggeration.

MR. JENKINS. Mr. Cohn, I will ask you if you didn't emphasize with General Reber the necessity for speed in getting this boy a commission, knowing that once he was drafted it would then be too late to get a commission?

MR. COHN. I think that is a fair statement.

MR. JENKINS. You think that is a fair statement?

MR. COHN. Yes, sir.

MR. JENKINS. How many times would you say, Mr. Cohn, that you called this general in the Army about this one boy from July 8 to July 31?

MR. COHN. I would think the follow-up calls after the conversation when General Reber was going to look into it might have been 3 or 4 or 5, something like that, sir, over the period of a month.

MR. JENKINS. Over a period of some 3 weeks?

MR. COHN. Whatever it is, sir; 3 weeks.

MR. JENKINS. Do you deny that you called him practically every day, Mr. Cohn?

MR. COHN. Every day, sir.

MR. JENKINS. Yes.

MR. COHN. I certainly deny that I spoke with him every day. About calling him every day, I might have told Frances or whoever was in the office to place a call to General Reber. If the call were placed to General Reber, and General Reber were not there, as a normal practice our secretary would place the call again that afternoon, probably place it again the next morning. I suppose that would go on until I got General Reber on the phone and talked with him.

As far as my having talked on the phone with General Reber every day, I don't think I did, sir. I am sure I didn't.

MR. JENKINS. Mr. Cohn, you know who General Reber is? You know his character, you know his reputation; don't you? He is one of the outstanding generals in the Army?

MR. COHN. I know who he is. I have no reason to doubt that.

MR. JENKINS. I want to read you from his testimony on page 38 of the record. First my question:

How many telephone calls would you estimate you received, General?

GENERAL REBER. I could only make an estimate, Mr. Jenkins, because, of course, I did not keep a record of those telephone calls, but I would say that at times I received 2 and 3 telephone calls a day, and there were other days, of course, on which I received either 1 or no telephone calls. But I received consistently throughout that period possibly an average of two telephone calls.

Mr. Cohn, is that true or is it not?

MR. COHN. It is a little difficult for me to understand, sir, exactly.

MR. JENKINS. He says that on occasions you called him 2 or 3 times a day about a commission for Dave Schine. Did you?

MR. COHN. Two or three times a day?

MR. JENKINS. That is just as I read, as I recall it. He said, "But I would say at times I received 2 and 3 telephone calls a day."

Now, did you or not, Mr. Cohn?

Mr. COHN. I don't believe I spoke with General Reber 2 or 3 times on any day, sir.

Mr. JENKINS. Well, are you in a position to definitely deny it or affirm it?

Mr. COHN. I am in a position to give you the general picture, and there is no argument with me about that at all.

Mr. JENKINS. Would you say you called him 2 or 3 times a day on some days?

Mr. COHN. I would say I don't think I did.

Mr. JENKINS. You say you don't think you did?

Mr. COHN. No, sir.

Mr. JENKINS. Would you be positive about it?

Mr. COHN. I can be almost positive about it, sir. I don't think the total number of times I talked to General Reber was more than 4 or 5.

Mr. JENKINS. It could have been more?

Mr. COHN. It could have been more.

Mr. JENKINS. You talked to him on July 8?

Mr. COHN. That was in person, sir.

Mr. JENKINS. I understand. And if you talked to him 4 or 5 or more times, then that would be 5 or 6 times that you talked to this general about Dave Schine during the month of July, wasn't it?

Mr. COHN. I think that is about the best estimate I could make, sir.

Mr. JENKINS. I will ask you, Mr. Cohn, whether or not after you had exhausted every effort within your power to get a commission through General Reber, you then went to Gen. Walter Bedell Smith?

Mr. COHN. It wasn't a question of exhausting every effort within our power to get it from General Reber, sir. The general on the first occasion when Senator McCarthy asked him if one with Dave Schine's experience would be qualified for a commission, General Reber unhesitatingly said he was sure that he would be. His Army transport service, with the work he had done with the committee, his business experience and other things, he was sure that he would be. The Senator asked me to follow it up. I did, and I called the general and he seemed gradually to retreat from what he had originally said, until it got to a point around the end of July when he made it clear that there had been a change and that Schine would not get a commission. It was after that, I believe, sir, that I talked with General Smith.

Mr. JENKINS. You went to the State Department?

Mr. COHN. I did.

Mr. JENKINS. And talked to Gen. Walter Bedell Smith about a commission for Dave Schine, didn't you?

Mr. COHN. I did, sir.

Mr. JENKINS. How many times did you talk to General Smith about it, Mr. Cohn?

Mr. COHN. Once, I believe, and I will be glad to tell you why I talked to Mr. Smith.

Mr. JENKINS. I will ask you whether or not you told General Smith this: "He," talking about Mr. Roy Cohn, "said that the Army authorities had not been cooperating, that General Reber had promised to arrange for a commission for Mr. Schine and had not done so."

Did you tell General Smith that, Mr. Cohn?

Mr. COHN. What I recall telling General Smith is this, sir, and I think you might find it to be just about the same thing. I told General Smith that General Reber had originally, based on the merits and the qualifications of Schine, said that there could be no doubt but that he was entitled to a commission, that afterward he retreated from that original statement, that Senator McCarthy had heard from somebody in the Pentagon, although General Reber himself was a fine man, that there might be some hard feelings by the general against Mr. Schine resulting from an unpleasant experience which Mr. Schine and I had had with a man who we did not then know, but who turned out to be General Reber's brother. That brother worked for the State Department. At that point, I spoke to General Smith and asked him if he could find out whether or not, in view of General Reber's original statement, that Schine was clearly qualified, and in view of the change, and in view of the fact it turned out we had had this unpleasant incident with a man, with General Reber's brother, whether the application had been given a fair shake. That was the substance of my conversation with General Smith on that point.

Mr. JENKINS. I want to read you now an excerpt from General Smith's testimony, and ask you whether it is true or whether it isn't true.

Mr. COHN. Sure.

Mr. JENKINS. Quoting on page 147 of the record:

I asked Mr. Cohn why he came to me, as I was no longer in active military service. He replied that the Army authorities had not been cooperating, that General Reber had promised to arrange for a commission for Mr. Schine and had not done so, that I knew all the senior officers in the Pentagon and would know who to talk to.

Is that true or not, Mr. Cohn?

Mr. COHN. I would differ with that to this extent, sir. The circumstances, as I recall it, and this is a difference in detail and a matter of memory, I have a high respect for General Smith. The way it happened was this: First of all, I knew General Smith and I knew that General Smith knew Dave Schine and his family, and knew about him and about his qualifications. I was talking to General Smith. General Smith called the office, I believe, about something or other. I mentioned this situation to him. He said, "Drop over tomorrow morning," or whatever it was. I went over and I told him about the situation. The reasons for my talking to General Smith, which of course I don't expect him to have read my mind, were that he knew me, and he knew Schine, and he certainly knew the people over in the Army and would be in a good position to find out whether the application had been treated on its merits.

Mr. JENKINS. But didn't you tell him when he said, "Well, why do you come to me, I am not in the Army?" didn't you say, "Why, General Smith, you know everybody in the Pentagon, know all the senior officers there, and you would know who to talk to."?

Mr. COHN. I certainly might have, sir.

Mr. JENKINS. You don't deny saying that, Mr. Cohn?

Mr. COHN. No, I don't deny it.

Mr. JENKINS. Now, Mr. Cohn, did you tell General Reber when you talked to him on the 8th day of July that you were just talking to him as Roy M. Cohn, an individual, or did you disassociate yourself



in any way from your official position as the representative of a United States Senator?

You didn't, did you?

Mr. COHN. To tell him that I was disassociating myself? No.

Mr. JENKINS. You didn't tell him that you were just there as an individual? You were there as a representative of a United States Senator, weren't you, Mr. Cohn?

Mr. COHN. No, sir. He came to Senator McCarthy's office. General Reber, sir—I think perhaps this may be an important point here. General Reber's job is the processing of applications just like this for people on Capitol Hill. I don't think any of us knew General Reber or had ever heard of him. We asked who the man was who did handle these applications. That turned out to be General Reber. He stopped over to Senator McCarthy's office, as I suppose every day in the week he or his successor stops in the offices of the other Senators in the building, and was talking to Senator McCarthy about this. I think I came in at the tail end of the conversation. I did not say, "I am hereby disassociating myself from"—

Mr. JENKINS. In other words, General Reber was talking to a United States Senator?

Mr. COHN. Oh, yes.

Mr. JENKINS. As such.

Mr. COHN. Surely.

Mr. JENKINS. The chairman of the McCarthy investigating committee.

Mr. COHN. Surely.

Mr. JENKINS. And was talking to his chief counsel as such.

Mr. COHN. Surely.

Mr. JENKINS. That is the capacity, Mr. Cohn, in which you went to see Walter Bedell Smith, too; isn't it?

Mr. COHN. That is a little more difficult to say, sir. I knew General Smith personally. I did not know General Reber personally.

Mr. JENKINS. When you went to him, you didn't say, "Now, General Reber, forget the fact that I am chief counsel for the McCarthy investigating committee," did you?

Mr. COHN. I didn't tell him to forget it or to remember it, sir.

Mr. JENKINS. Did he think, "Here is the duly accredited representative of a United States Senator asking me, a member of the State Department, to use my influence with the Pentagon to get a commission for Dave Schine"?

Mr. COHN. I am sorry. I thought you were talking about General Reber.

Mr. JENKINS. I am talking about Gen. Walter Bedell Smith.

Mr. COHN. I am sorry, sir.

I had a very long talk with General Smith, not only about this but about a lot of other personal and other things, and a very pleasant talk. I have a very high respect for him. I talked to him as I always do, I hope, as though I am talking to a man for whom I have a good deal of respect.

Mr. JENKINS. Mr. Cohn, you went back to see General Smith on the following day; did you not?

Mr. COHN. No, sir. I saw General Smith only once. I talked with him only once to ask him to see whether this application had been treated on the merits.

Mr. JENKINS. Did you not talk to him on the telephone at a later date?

Mr. COHN. No. As I recall it, I talked to him one day, and I started telling him the story over the telephone, and he said, "Come around tomorrow morning," or something like that, and I dropped around to his office the next morning and I talked to him. I believe I talked to him on the phone once, at which the appointment in his office was arranged. I saw him once in his office. I believe that that was that.

Mr. JENKINS. That is the first, last, and only time you ever talked to General Bedell Smith about a commission or any dispensations for Dave Schine? Is that what you are saying?

Mr. COHN. I believe it is, sir. That is his recollection, according to his statement here, and that is mine. I don't recall any other conversation.

Mr. JENKINS. Mr. Cohn, I believe that there was a breakfast held on September 16 in the Schine apartment in New York City, was there?

Mr. COHN. Yes, sir.

Mr. JENKINS. Who attended that breakfast?

Mr. COHN. Senator McCarthy, Secretary Stevens, myself, Dave Schine. Secretary Stevens asked to meet Dave Schine's mother. He did not know her. And she came in to meet Secretary Stevens and stayed a few minutes and talked with him.

Mr. JENKINS. Where was that meeting held?

Mr. COHN. He had seen her picture in the living room, or something, and asked to meet her.

Mr. JENKINS. Where was that meeting held, Mr. Cohn?

Mr. COHN. That meeting was held—it was a breakfast at the apartment of Mr. and Mrs. Schine.

Mr. JENKINS. That is Dave's father and mother?

Mr. COHN. Dave's father and mother.

Mr. JENKINS. Is that at the Waldorf Towers in New York City?

Mr. COHN. Yes, sir.

Mr. JENKINS. Had you spent the night there?

Mr. COHN. Had I spent the night there?

Mr. JENKINS. Yes.

Mr. COHN. No, sir.

Mr. JENKINS. You were there for breakfast.

Mr. COHN. I spent the night at my own home.

Mr. JENKINS. Mr. Cohn, you and this boy, Dave Schine, as a matter of fact, now, were almost constant companions, as good, warm personal friends are, weren't you? That is the truth about it?

Mr. COHN. I am pleased to say, sir, the truth is that we were and are good friends. He is one of my many good friends. I hope you will not ask me to scale which one is a better friend. I have a lot of good friends, and I like them and I respect them all.

Mr. JENKINS. I will ask you whether or not, Mr. Cohn, on that occasion, September 16, in the Schine apartment, Senator McCarthy asked the Secretary of the Army for the second time—no, for the first time to the Secretary—being the Senator's second request, and the first to the Secretary, for a commission for G. David Schine?

Mr. COHN. He did not.

Mr. JENKINS. He did not?

Mr. COHN. He did not.

Mr. JENKINS. Mr. Cohn, I want to read you what the Secretary says about it, page 209:

Secretary STEVENS. Yes, my recollection is that Senator McCarthy on this— Perhaps I had better read back one question.

My recollection is that Senator McCarthy on this occasion asked me for a commission for David Schine. Since I was familiar with the fact that the application for a commission for David Schine had been turned down some weeks previously, I moved away from that subject as rapidly as I could.

Question:

Did you know at that time that a previous application on the part of Schine for a commission had been denied by the Army?

Secretary STEVENS. Yes, I did.

Question:

Did you know on information that overtures had been made to various people, including General Reber, General Smith, and perhaps others, by members of the McCarthy Committee for a commission for G. David Schine?

Answer:

I knew about the cases referring to General Reber and General Smith, yes, sir.

We are talking about this breakfast on September 16 in New York City, and you heard what the Secretary said about that, Mr. Cohn?

Mr. COHN. I heard everything he said about that, sir.

Mr. JENKINS. You heard him testify and you have read his testimony?

Mr. COHN. I heard him.

Mr. JENKINS. Do you say that on that occasion Senator McCarthy did not request of the Secretary a commission for Schine?

Mr. COHN. I do, sir.

Mr. JENKINS. What was said on that occasion?

Mr. COHN. And I might say, sir, if I might explain that answer or amplify it, Mr. Stevens' further testimony said, I believe, and I hope Mr. Welch will correct me if I am wrong, that he was very hazy about the whole thing, was not sure whether anything was said about a commission on that occasion, and left the thing very much up in the air. I think I can help, because I do have a clear recollection, and I know that on that occasion and on no other occasion in my presence did Senator McCarthy ask Mr. Stevens for a direct commission for David Schine.

Mr. JENKINS. Was David Schine there that morning?

Mr. COHN. He was.

Mr. JENKINS. Mr. Cohn, was there any discussion whatever on that occasion—

Mr. COHN. There was.

Mr. JENKINS. By either you or Senator McCarthy with respect to any special dispensation or assignment for David Schine?

Mr. COHN. There was not any discussion concerning any special favor or dispensation for David Schine.

Mr. JENKINS. You heard the Secretary say that at least on one occasion the Senator from Wisconsin asked him for a commission for David Schine. You heard that, didn't you, Mr. Cohn?

Mr. COHN. I did.

Mr. JENKINS. I am inclined to agree with you that he said he was not definitely sure that it was on September 16 in New York City.

Mr. COHN. He said he was hazy about the September 16——

Mr. JENKINS. Mr. Cohn, did you at any time ever hear——

Mr. COHN. Excuse me. The answer to that is no, sir. I have the record, page 212, on this incident. [Reading:]

Mr. JENKINS. Is your mind clear on that, or is it hazy?

Secretary STEVENS. It is not clear.

Mr. JENKINS. You say your mind is clear on it?

Mr. COHN. My mind is not hazy on that occasion, sir; no.

Mr. JENKINS. If the Secretary gives it as his best recollection that such a thing did occur on September 16, you say the Secretary is in error?

Mr. COHN. I say he has made an error, sir.

Mr. JENKINS. Did you talk, Mr. Cohn, to Secretary Stevens on October 2?

Mr. COHN. I did, sir.

Mr. JENKINS. In New York City?

Mr. COHN. I did, sir. I am sorry. Did you say New York City?

Mr. JENKINS. Did you talk to the Secretary anywhere then?

Mr. COHN. Yes. It was in Washington in Mr. Stevens' office. I am sorry, sir.

Mr. JENKINS. I will ask you whether or not Mr. Frank Carr was present on that occasion.

Mr. COHN. He was present throughout.

Mr. JENKINS. I will ask you, Mr. Cohn, whether or not on October 2 you, in the presence of Mr. Carr, asked the Secretary of the Army for a special assignment for G. David Schine.

Mr. COHN. I did not.

Mr. JENKINS. You did not?

Mr. COHN. No, sir.

Mr. JENKINS. Now I want to read you what the Secretary of the Army swore about that, Mr. Cohn. We are talking about the second day of October 1953. [Reading:]

Mr. Cohn told me about the forthcoming investigation at Monmouth. He said that General Lawton, the commanding general at the Fort Monmouth installation, had taken some action which made it difficult for the staff of Senator McCarthy's committee to get the information they wanted by talking with people they wanted to talk to at Fort Monmouth, and he said it was impairing their ability to do the job. I said well, I wanted to cooperate with the committee to the very limit of my ability and in their presence then and there I called General Lawton on the telephone.

Mr. JENKINS. What did you say to General Lawton then and there in the presence of Mr. Cohn and Mr. Carr?

Mr. JENKINS. What did you say to General Lawton then and there in the presence of Mr. Cohn and Mr. Carr?

Answer:

I told General Lawton I wanted full cooperation by him and the members of his staff, that he was to make available those people at his installation that the properly accredited representatives of Senator McCarthy's committee wanted to interview.

You heard the Secretary testify to that?

Mr. COHN. I heard that testimony, sir.

Mr. JENKINS. Mr. Cohn, did that occur?

Mr. COHN. That occurred, sir, with this qualification: As I testified yesterday on direct examination, Mr. Jenkins, we took up with



Mr. Stevens, the fact that General Lawton did not know whether he could make personnel at his post available for interview by the subcommittee staff and asked that we obtain clearance for him to make that possible from the Pentagon.

Mr. Carr and I brought that up with Mr. Stevens, who said he would call General Lawton and say that from his standpoint, from Mr. Stevens' standpoint, he would encourage General Lawton to give us complete cooperation.

Mr. Stevens placed the telephone call in our presence. Bear in mind, sir, I could hear only what Mr. Stevens said and not what General Lawton replied. Mr. Stevens told General Lawton to give us complete cooperation, to make available to us any personnel out at Fort Monmouth we wanted to interview. We had explained to Mr. Stevens that this was a universal policy of all Government agencies and that certainly the Army would want to follow it.

He told that to General Lawton, complete cooperation, "Let them interview anyone they want at your post."

Then there was a long silence on Mr. Stevens' end of the phone while General Lawton was apparently saying something, which I assumed to be his interpretation of Mr. Stevens' direction. When General Lawton was finished talking, Mr. Stevens said, "No, no, I didn't mean that. Don't give them that," something like that. Mr. Carr and I looked at each other, much as to say that is where it was taken away.

That is what I recall of that conversation. I don't know what General Lawton asked Secretary Stevens if he could show us and what Secretary Stevens referred to when he said "No, not that, I didn't mean that, don't show them that." Whatever those words were.

Mr. JENKINS. Mr. Cohn, I want to read you further from the Secretary's testimony with respect to this October 2 meeting:

Secretary STEVENS. Mr. Cohn brought up the matter of G. David Schine and wanted to know if he couldn't be assigned to New York City.

That is the occasion when the Secretary called General Lawton, isn't it?

Mr. COHN. Yes, sir.

Mr. JENKINS. And told him to cooperate?

Mr. COHN. Yes, sir.

Mr. JENKINS. And the Secretary says here positively and under oath that on that occasion, and in the presence of Mr. Frank Carr, you brought up, and on October 2, approximately 1 month before this boy was inducted into the Army, you brought up the subject of David Schine and wanted to know if he couldn't be assigned to New York City. Did you, Mr. Cohn?

Mr. COHN. Sir, I can't answer that until you go back and let me tell you about the first, or prior conversations which I had with Mr. Stevens on the subject of Dave Schine.

Mr. JENKINS. Do you mean back on the same date, October 22?

Mr. COHN. No, sir. Conversations which were held on September 16, and two specific ones, September 16 and September 21.

Mr. JENKINS. The September 16 meeting being in the Schine apartment?

Mr. COHN. That is right, sir.

Mr. JENKINS. Do I understand that you talked to the Secretary about David Schine on that occasion?

Mr. COHN. That is true, sir.

Mr. JENKINS. Mr. Cohn, just answer the question which I have asked you now and then you are certainly entitled to go back and explain it. My question now is, Did you on October 2, in the presence of Frank Carr, say to the Secretary of the Army in substance that you wanted Dave Schine assigned to New York City, or wanted to know if it was possible to get him assigned to New York?

Mr. COHN. No, sir, that was not the discussion that was held on that day.

Mr. JENKINS. Well, I am reading you his testimony again:

Mr. Cohn brought up the matter of G. David Schine and wanted to know if he couldn't be assigned to New York City.

Mr. COHN. Schine was discussed. That is not what was said in the course of the discussion.

Mr. JENKINS. But he was discussed. And I read further:

Mr. JENKINS. Why did he say he wanted him assigned to New York City?

Secretary STEVENS. Well, he said there was a lot of committee work that had to be attended to, and he was sure there were various assignments around New York City that the Army could assign David Schine to.

Did you say that, Mr. Cohn?

Mr. COHN. No, sir; that was not the substance of that conversation.

Senator McCARTHY. Could I interrupt, Mr. Jenkins? Might I suggest that you have Mr. Cohn tell just exactly what conversation there was with regard to the assignment to the New York area?

Mr. JENKINS. Mr. Cohn, you are entitled to explain. You say that was not the substance of the conversation?

Mr. COHN. No, sir. Mr. Jenkins, anything you want, I will give you the answers.

Mr. JENKINS. What was the substance of the conversation?

Mr. COHN. The substance of the conversation on that day, as I recall it, was this: Mr. Stevens stated that Schine was going to take basic training, like everybody else, that right after basic training Mr. Stevens had planned out an assignment for Schine whereby Schine was going to be in attendance as an observer at various intelligence schools of the Army for the purpose of reviewing text books and other matters and report directly to Mr. Stevens on that subject. This discussion followed a talk with Mr. Stevens on that occasion in which Mr. Stevens told us that he had been greatly disturbed by the General Partridge testimony over the use of Communist, pro-Communist literature and Communist indoctrination literature by Army intelligence, and in the schools. Mr. Stevens also told us that a day or two before October 2, he had, he, Mr. Stevens, had had a long talk with a major, whose name he had gotten from us, I believe, teaching at an Army intelligence school. I believe out at Holabird, Md. That from the outline the major gave him as to the type of literature they were using, from the Partridge situation and other reports which he had gotten, he, the Secretary, was very much disturbed about the whole situation and that he was looking forward to using Schine to his great advantage in going over these text materials, and going to the schools, and reporting to Mr. Stevens.

I believe, sir, and I have no clear recollection but it is perfectly possible or probable, that I asked Mr. Stevens at the point if, during the basic training, wherever that was, some arrangement could be made

for staff members to contact Mr. Schine in case of an emergency or in case there was something which we might need from him. That, to the best of my recollection, is the substance of what occurred on that occasion. And there were some prior discussions with Mr. Stevens about the Schine assignment which we have not covered. If you want to, I will. If you don't—

Mr. JENKINS. On October 2, you did suggest to him that there might be occasions when you would want to consult with Mr. Schine about committee work?

Mr. COHN. That is perfectly possible, sir, and I do not deny it.

Mr. JENKINS. So, Mr. Cohn, that makes some 8 or 10 times, up to that time, October 2, that you had talked to somebody in the Pentagon about David Schine being made available to you, doesn't it? Or about a commission for him?

Mr. COHN. About a commission or about being made available—

Mr. JENKINS. Five or six times with General Reber?

Mr. COHN. Surely.

Mr. JENKINS. At least once with General Smith.

Mr. COHN. Sure. More than that, sir, I think there were discussions with Mr. Stevens on September 16.

Mr. JENKINS. About Schine?

Mr. COHN. Yes, sir. And on September 21.

Mr. JENKINS. Did you want to explain the September 16 discussion?

Mr. COHN. Whatever you say, sir.

Mr. JENKINS. Very well. But up to October 2, now, you had had some 8 or 10 discussions with either the Secretary or Mr. Adams about Schine; had you not?

Mr. COHN. I don't believe I had ever talked with Mr. Adams.

Mr. JENKINS. Up to that time?

Mr. COHN. No, sir. I believe I met Mr. Adams very briefly on September 28. I did not discuss Schine with him and he did not discuss Schine with me.

Senator McCARTHY. Mr. Jenkins, I very much dislike interrupting you, you do such an excellent job of cross-examination, but I do think in view of the fact that so much has been made of the Schine situation that the witness should be asked to tell about the other two meetings in which Schine was discussed. I notice he was not asked to give the information on those two meetings.

Mr. JENKINS. Mr. Chairman, the Senator will have ample opportunity to examine and cross-examine this witness. I am trying to get along. I know the committee wants to get along.

Mr. Cohn, you heard the Secretary or Mr. Adams or both say that the McCarthy committee, Senator McCarthy, and you or both, indicated to them, as early as October 13, that you were ready to discontinue your Fort Monmouth investigation and turn it back to the Army. Do you recall that testimony?

Mr. COHN. I do, sir.

Mr. JENKINS. I will ask you whether or not it isn't a fact that at that time, that is, on October 13, something was said to the Secretary about our readiness to turn it over to him, together with your information that was available, and let the army proceed with it? Did that occur?



Mr. COHN. No, sir. What occurred was this: The Secretary or somebody—I remember the term “Is the investigation going to go on forever?” And Senator McCarthy said:

No, it will not go on forever. There will be a time when we will step out and turn it over and you will have it all to yourselves. When that time comes will depend in a great measure on the job of housecleaning which you people do.

I remember the Senator went into quite a detailed discussion about the Government Printing Office investigation, and told how that started out, could have taken much longer than it did, but was shortened by the complete, 100 percent, not lip-service, but actual cooperation which we received from Mr. Blattenberger, the head of the Government Printing Office.

Mr. JENKINS. So you say that when the Secretary of the Army testified here under oath that an indication or a statement was given to him on October 13 that you were going to turn it back over to him, that he is incorrect about that?

Mr. COHN. I would say, sir, he is incorrect in the time element. There was certainly no doubt that it was made clear to him that the investigation was not going to go on forever. I do say, sir, that he mistaken in entertaining the hope, on that occasion, that the bowing out of this subcommittee from Communist infiltration at Monmouth or in the Army was an imminent matter, and I think, sir, that the newspaper clippings which I put into evidence yesterday, plus the Senator's refusal to issue that press release saying he was going to turn it back, on October 19, could have left no doubt in Mr. Stevens' mind that the Senator was not going to turn it back at that point.

Mr. JENKINS. Mr. Cohn, wasn't it as a result of statements made by you and/or Senator McCarthy to the Secretary and Mr. Adams on October 13 and 14 that Mr. Adams prepared this proposed press release on the 19th day of October?

Mr. COHN. I don't know why he prepared it, sir. I do know that nothing was said to him on the 13th of October, particularly, sir, when you take into account the two events on the 14th of October, namely the stripping of the files and the Senator's displeasure which was conveyed to Mr. Adams on that, and General Lawton's testimony, that it was only when we came in that they started doing something, which made it pretty clear that if we went out they would stop doing anything, the Senator discussed those matters with Mr. Adams, and I am sure, sir, that on October 19, Mr. Adams, while he was welcome to try, could have had no sound reason for believing that the Senator was about to bow out of these investigations.

Mr. JENKINS. Now, you made a trip to Monmouth on the 20th day of October, Mr. Cohn, did you not?

Mr. COHN. Yes, sir.

Mr. JENKINS. That has been rather fully described here and you have heard that testimony, haven't you?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, when you were denied admission to a sensitive laboratory, you became highly incensed. Now, that is the truth about it, isn't it?

Mr. COHN. That is the truth, sir.

Mr. JENKINS. And on that occasion, you said, “This is a declaration of war,” didn't you?



Mr. COHN. I don't recall the exact words I used, sir. I don't recall saying that. I can give you the substance of what happened and the substance of what I said, if you care to have me do it.

Mr. JENKINS. Let's just pinpoint is, Mr. Cohn, because the Secretary of the Army was there——

Mr. COHN. Yes; he was there.

Mr. JENKINS. And you say he was wanting you to discontinue your investigation of Fort Monmouth and of the Army.

Mr. COHN. Yes.

Mr. JENKINS. That is right?

Mr. COHN. Sure.

Mr. JENKINS. And Mr. Adams was there?

Mr. COHN. Yes, sir.

Mr. JENKINS. Colonel BeLieu was there, the Secretary's aide?

Mr. COHN. Yes, sir.

Mr. JENKINS. Lieutenant Corr was there?

Mr. COHN. Yes, sir.

Mr. JENKINS. Many others were there, some 20 or 25 people, including a United States Senator and a Congressman?

Mr. COHN. Yes, sir; there was a whole train of cars.

Mr. JENKINS. And Senator Dirksen had his representative there?

Mr. COHN. Yes, sir.

Mr. JENKINS. Senator Potter had his representative there?

Mr. COHN. Both Senator Dirksen and Senator Potter were ably represented there.

Mr. JENKINS. Many high-ranking officials, both of the Army and of civilian life. That is right, isn't it, Mr. Cohn?

Mr. COHN. It is right, sir.

Mr. JENKINS. You were there, you might say, almost in the robes of a United States Senator, being chief counsel.

Mr. COHN. Nothing would entitle me to that high designation, sir, and I don't think, if I may say so, it is an accurate description.

Mr. JENKINS. I am reading to you from page 3554 the testimony of this young man BeLieu, quoting Roy M. Cohn:

This is it. This is war with the Army.

Did you say that, Mr. Cohn?

Mr. COHN. Sir, I have no recollection of the words I used, and specifically to answer you, I do not remember using those words.

Further, Mr. Jenkins——

Mr. JENKINS. You don't deny it?

Mr. COHN. Well, I come pretty close to denying it, sir, because I talked to Mr. Rainville and Mr. Jones, who were with me throughout that day, and they tell me they were angry as I was, and a lot of things were said. They don't recall those particular words being said.

I will make no argument with you that I was angry, and if you want, I can give you the substance of what happened and what I do recall saying.

Mr. JENKINS. You were highly incensed, weren't you?

Mr. COHN. I was, sir.

Mr. JENKINS. And threats are usually made by people when they are angry, aren't they? That is the time when threats are made.

Mr. COHN. Certainly one of the times.

Mr. JENKINS. Certainly one of the times, and that is usually when a threat of violence is made.

Mr. COHN. Surely.

Mr. JENKINS. That is right, isn't it?

Mr. COHN. Sure.

Mr. JENKINS. For all you know, in that fit of anger, you say here now under oath that as far as you know you neither admit nor deny that you said, "This is war with the Army"?

Mr. COHN. Sir, I go a little further than that. I remember the substance of some of the things I said. I do not remember using those words and saying that. I have heard or heard read into the record here versions of what I did say, by three Army witnesses, each one of whom had a different version of what I said. I have talked with Mr. Rainville and Mr. Jones, and they say I did not say those words. All I can do is tell you I was angry, give you the substance of some of the things which I did say, and tell you what happened on that occasion. I cannot tell you, sir, the exact words which I used, and I don't believe anybody else can tell you the exact words which I used.

Mr. JENKINS. You heard Colonel BeLieu testify?

Mr. COHN. I did; yes, sir.

Mr. JENKINS. I read further from his testimony, Mr. Cohn, the same page of the transcript, quoting you, quoting Mr. Cohn:

I don't understand why you let Communists work in here and you won't let me in.

Did you say that?

Mr. COHN. That sounds a lot more like Roy Cohn than the previous one.

Mr. JENKINS. That declaration of war, you mean, doesn't sound like Roy Cohn when he is mad?

Mr. COHN. No, sir. What I say when I am mad is to say they let Communists in here and don't let us in.

Mr. JENKINS. Quoting further, let's see if this sounds like you:

I have been cleared for classified information.

Mr. COHN. That sounds like me, and that was the fact.

Mr. JENKINS. Had you been cleared for classified information, Mr. Cohn?

Mr. COHN. Not only that, sir, but I had a specific secret clearance from the Defense Department.

Mr. JENKINS. "I have access to FBI files when I want them." Did you say that?

Mr. COHN. Colonel BeLieu is a little bit mistaken in the terminology, sir, and I would like——

Mr. JENKINS. What, then, was the terminology about the FBI files?

Mr. COHN. I don't recall the exact statement. I can tell you this, Mr. Jenkins: I did not say that I currently had access to FBI files or that I could see them whenever I wanted to.

Mr. JENKINS. Neither did Colonel BeLieu say that, Mr. Cohn. Here are his words——

Mr. COHN. What did he say?

Mr. JENKINS. "I have access to FBI files when I want them." Did you say that?

Mr. COHN. I did not say "I have access to FBI files when I want them."

Mr. JENKINS. Then I ask you what you did say about the FBI files.

Mr. COHN. All right. This is important to me, and I hope I may be permitted on this 1 minute to explain.

Mr. JENKINS. Any time I cut you off, I don't mean to do it.

Mr. COHN. You do not cut me off.

Mr. JENKINS. Very well. You call me down. What did you say about the FBI files?

Mr. COHN. I have no right or reason to call you down, sir. I want to answer every question. On this particular point it is important.

I did not say and I could not have said that "I have access to FBI files," because, sir, since I have come with this committee, I have not had access to FBI files, and I have never seen an FBI file. I would like to make that very clear under oath, to end any statement by anybody that I, while with this committee, have seen FBI files or have had them. That is not true.

Before I came with the subcommittee, sir, I was with the Department of Justice for a number of years, dealing with prosecutions of Communists and subversives and spies. I did have access to FBI files. I did use FBI files extensively.

Were it not for FBI files, we could not have obtained a single conviction.

If I referred to FBI files on that occasion, I would have said, "I had access to FBI files," or "I have had access to FBI files," and Colonel BeLieu by being wrong about two letters in one word 7 months later might create an unfortunate impression.

Mr. JENKINS. Mr. Cohn, did you on that occasion then say, do we understand your version to be this, that you put it in the past tense and said, "I have had access to FBI files"?

Mr. COHN. I say, sir, it is possible that I said, "I had access to FBI files." I say it is impossible that I said, "I have access to FBI files," because that would not have been a true statement.

Mr. JENKINS. I read you further, quoting you:

You are doing this just to embarrass me. We will investigate the heck out of you.

Did you say that, Mr. Cohn?

Mr. COHN. I don't recall those words, sir.

Mr. JENKINS. You don't deny it; do you?

Mr. COHN. Sir, again I can come pretty close to denying that that is the type thing I said, because I talked to Bob Jones and Harold Rainville, who were with me throughout, and they say I did not say those things.

Mr. JENKINS. Did they claim to have heard all you said, Mr. Cohn?

Mr. COHN. They say, sir—and it is my recollection, too—that they were with me throughout. I was not the only one excluded. They were excluded along with me.

Mr. JENKINS. They were angry, too?

Mr. COHN. They were angry, too; yes, sir.

Mr. JENKINS. Now the question is, you heard this young man BeLieu testify?

Mr. COHN. I did, sir.

Mr. JENKINS. You know nothing against his character?

Mr. COHN. I not only know nothing—I am sure there is nothing and I am sure he was doing, sir—



Mr. JENKINS. He was in the war and had a lot of battle stars on him.

Mr. COHN. I admire him highly and I am sure he was doing his very best to give his recollection of the exact words that were uttered 7 months ago. I believe some of them are probably right. I believe some of them are probably a little bit wrong. I have no quarrel with him about the substance of what happened or the fact that I was angry or the fact that in spite of the point that they got us up there and wasted a day for us, they wouldn't let us in the place which we were supposed to see, and I undoubtedly said that they let Communists in and kept us out, and I can tell you why I know I said that, sir.

Mr. JENKINS. Mr. Cohn, in short and in truth, there on that occasion in the presence of high-ranking officers of the Army, including the highest ranking one, the Chief, the Secretary, and in the presence of high-ranking civilians you declared war on the Army; didn't you?

Mr. COHN. No, sir.

Mr. JENKINS. You did not?

Mr. COHN. No; I did not.

Mr. JENKINS. Didn't you say, "This is war; this is it"?

Mr. COHN. I don't remember saying that.

Mr. JENKINS. You don't remember saying that?

Mr. COHN. No.

Mr. JENKINS. If these high type men whom you have described, including the Secretary of the Army, Mr. Adams as civilians, and this colonel and this captain or others, lieutenants, there say that Roy M. Cohn said, "This is it, this is war, we will investigate the heck out of the Army," or "investigate the Army from now on out," you don't deny it, do you?

Mr. COHN. Yes, sir. You see, the Secretary, as I heard his testimony, did not say that I said any of those things. Various other witnesses say that I said different things, used different words, different terminology, different phrases, different thoughts, different ideas. I talked to Mr. Rainville and Mr. Jones to see if they could remember exactly what was said. They can't remember exactly what was said, but what it appears we can all agree on is that I was angry, as they were, because we had been invited up there to do some work that might be useful to us, we had the door slammed in our face for what seemed to be no good reason and we had wasted a day. I undoubtedly, when the door was slammed in our face, said I was angry and made statements to the effect that they let Communists in and they keep us out, and I do know I did make that particular statement because I remember repeating it in a very humorous vein at the luncheon which followed later on.

Mr. JENKINS. Mr. Cohn, isn't it the truth that further on that occasion in this fit of anger you demanded that somebody get an automobile and take you away from there and take you to New York?

Mr. COHN. No, sir. I made no demands for an automobile.

Mr. JENKINS. Did you make a request or a suggestion?

Mr. COHN. No. What I said was this, sir: I said, "What is the point of us hanging around here? We are just wasting our time. They invite us up here and then shut the door and we are standing out on the grass. I might as well be back in Washington or New York doing some work."



If that is interpreted as a request for an automobile to make possible the thought which I had expressed——

Mr. JENKINS. Mr. Cohn, did you ever, whatever you said on that occasion to the Secretary of the Army, Mr. Adams, anybody else—did you ever at any time that day or at a later date apologize to the Secretary of the Army for what you said?

Mr. COHN. I never said anything in a fit of anger to Secretary Stevens on that or any other occasion, sir. I am sure if an apology were called for I would have tendered one. I never said anything derogatory concerning any of these other people mentioned on that day. It was a very simple incident which was one of a few incidents I would be glad to tell you about which occurred on that day which added up to the fact that the whole trip was a little bit ridiculous and we were wasting a lot of time and we were angry and would like to get back some place and do some work.

Mr. JENKINS. But whatever was said, and I don't know what the committee is going to find out what was said on that occasion, you say you were angry?

Mr. COHN. Yes, sir.

Mr. JENKINS. And do I understand you to say you don't remember all you said?

Mr. COHN. I don't have the remotest idea of all I said.

Mr. JENKINS. You don't have the remotest idea of what you said?

Mr. COHN. No, sir.

Mr. JENKINS. Now, for whatever it might have been, Mr. Cohn, did you at that time or any subsequent time, ever offer apology to this high-ranking man, the highest ranking man in the United States Army, Secretary Stevens, did you ever do it or not?

Mr. COHN. No. And if I might explain that answer——

Mr. JENKINS. You may. The answer is "No," and now you can give any explanation you desire.

Mr. COHN. Thank you, sir. I don't think there was any occasion for it. I had said nothing. I had not displayed my anger, so to speak, in front of Mr. Stevens in any way. I had said nothing to him on that occasion or any other occasion which would cause me to apologize to him, sir. I regarded Mr. Stevens as a fine, gentlemanly, courteous person.

Mr. JENKINS. Do you still so regard him, Mr. Cohn, as a fine, gentlemanly, courteous person? Do you still so regard him?

Mr. COHN. If we go back to the day prior to these hearings, sir——

Senator McCARTHY. Do you want to take the fifth amendment on that?

Mr. COHN. No, sir. I would say this. I regard Mr. Stevens as a gentlemanly person, and as a courteous person, yes, sir. I never in my contacts or discussions with him—he always treated me very politely, very fine, and I can say nothing more than that. There were no heated discussions or any other kind of untoward incidents on any occasion when I was together with Mr. Stevens, sir.

Mr. JENKINS. Did you ever tell the Secretary that you didn't mean what you said, that you were in a fit of anger when you said it?

Mr. COHN. Well, I don't know how you interpret it.

Mr. JENKINS. You may answer that yes or no, Mr. Cohn. Did you or not?

Mr. COHN. Let me tell you what happened.

Mr. JENKINS. I know. I want you to answer it. Did you ever tell him, "Mr. Secretary, I was mad, I was angry, I was incensed"?

Mr. COHN. I led all of those present to believe a little while later that the incident was completely forgotten about, by trying to make what might have been a poor joke about it, and if I might tell you that, sir—

Mr. JENKINS. You are entitled to explain.

Mr. COHN. The first thing, I might say this, Mr. Jenkins, to explain it fully, the first thing that happened when we got out there on this trip, where we hoped to get a little work done, was we got up to one building and this was not the second building, this was the first one, and there was a great deal made about a big secrecy thing, and we were seeing something that nobody ever looked at before in the history of mankind and all of that. One of the officers, I don't remember who it was, came up to me and whispered to me, "This is really a big deal, they are really showing you something. They had a party of the Russian military mission which came through and they showed them exactly the same thing."

I passed that along to Senator McCarthy and Senator McCarthy asked out loud in front of everybody and said, "This is very interesting, but how secret is it? Isn't it a fact that a Russian military mission was shown this same stuff?"

There was a little discussion back and forth between some of the Army people there, and I believe it finally developed that a couple of years before, or sometime prior to that, a Russian, a Soviet, military mission had been cleared by the State Department and sent up to Fort Monmouth for a visit, and had been taken through that area and shown these things. We next went on to the second building where Mr. Rainville, Mr. Jones, and I were told we could not come in because—I was told I couldn't come in because I didn't have clearance. I said I did have clearance and they said, "Well, you can't come in anyway because we don't know that you have clearance."

I couldn't do much more than tell them that I had clearance. Mr. Jenkins. They kept us out and the three of us were—we thought it was a pretty ridiculous thing, to get us all the way up there if they weren't going to let us in. they could have made up their minds on that before they called us up there. We then went to lunch, Mr. Jenkins, and during the lunch, I was sitting at one end of the table and Mr. Stevens was at the head of the table with Senator McCarthy. A discussion came up about Aaron Coleman. Mr. Stevens, Senator McCarthy, and Senator Smith of New Jersey, and a couple of others were discussing the Coleman case, and all of a sudden, a colonel, a full colonel, I believe, I don't remember whether it was a full colonel, a "chicken" colonel, all of a sudden jumped up and held up his hand and ordered Mr. Stevens to be quiet. That surprised everybody. Everybody looked at the colonel who just told the Secretary to keep quiet. And Mr. Stevens looked at the colonel. The colonel said, "Mr. Stevens, you are discussing a case which is confidential and you have no authority to discuss that case."

Mr. Adams then whipped out a little black book which he had in his pocket and took the name of the colonel and made some comment that the colonel would not be in that vicinity for a very long period of

ime. I understand he has not been. The whole thing, sir, that whole day, was filled with a bunch of ridiculous incidents. At the end of it, Mr. Stevens got up and delivered a little talk, a very fine talk, in which he covered a number of events about the investigation and the situation at Monmouth and morale, and said that he certainly hoped that Roy Cohn and Harold Rainville and Bob Jones and whoever else might have been the object of this exclusion, would understand that the decision was made as best he could make it, and so on and so forth. It was a very fine, very gracious speech. Then we went around the table and everybody at the table got up and said something. When it came around to me, I got up and as I recall, I expressed my pleasure to everyone present for their courtesy, and everything else, and tried to make some generally pleasant remarks, and said as far as the incident to which Mr. Stevens referred, that was all forgotten about on our part, and that the only hope Mr. Rainville, Mr. Jones, and I had was that by the time the investigation was over, people who worked for the United States Senate would be able to get in the laboratory, and that the Communists would not be able to get into the laboratory.

That concluded that. I came across a little newspaper account which reported that incident in a somewhat humorous vein 2 or 3 days later. That is the way I recall the thing, Mr. Jenkins.

Senator MUNDT. Before adjourning, the Chair would like to announce that the senior ranking Democratic member, Senator McClellan, is necessarily absent this morning, and this afternoon.

We will now recess for the purpose of the special session and will meet promptly at 2 o'clock this afternoon.

(Whereupon, the committee recessed at 12:13 p. m. to reconvene at 2 p. m. the same day.)

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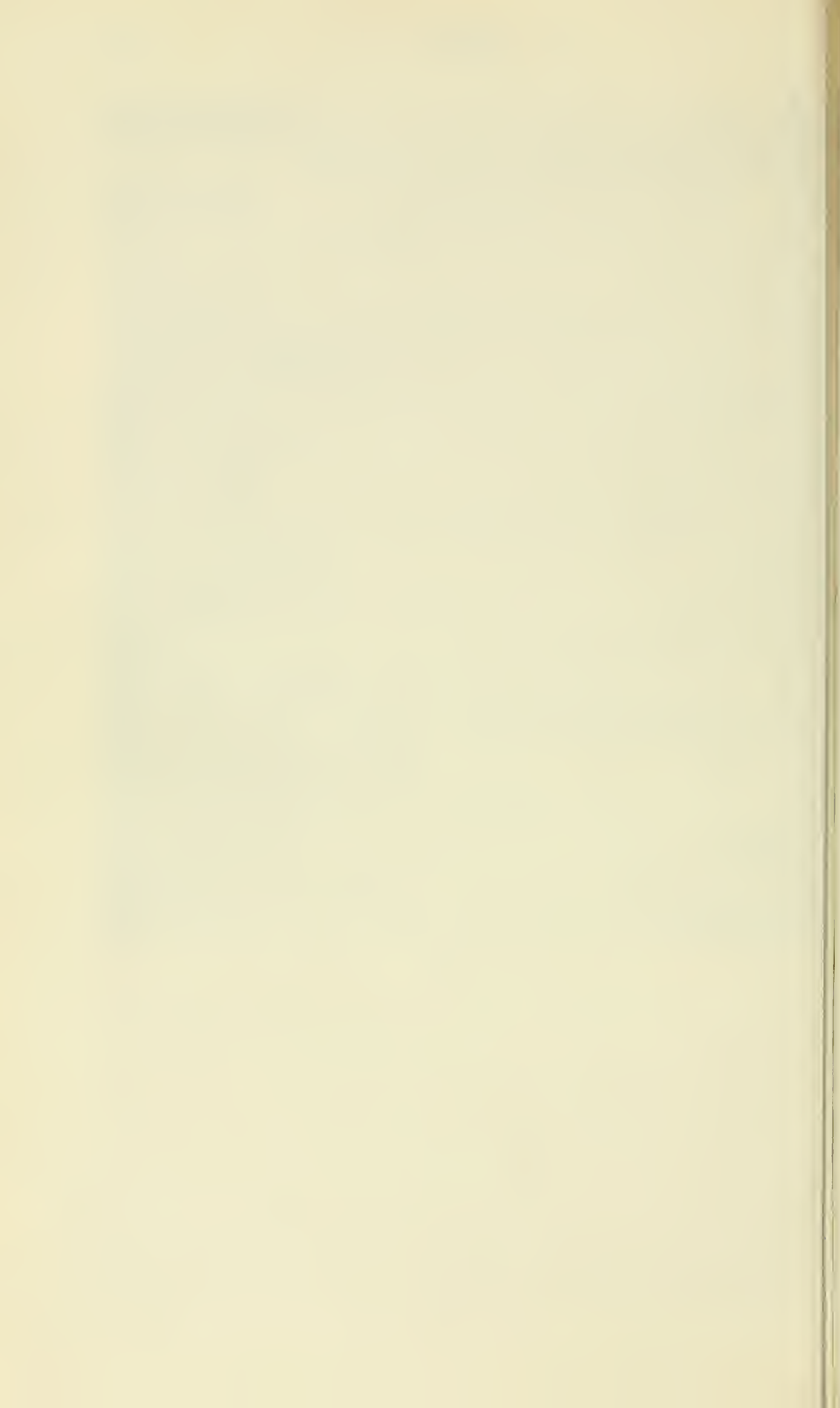


# INDEX

	Page
Adams, John G.....	1656 1664, 1685-1687, 1690-1692
Aibany, N. Y.....	1662
Army (United States)....	1659-1664, 1666, 1670, 1671, 1673-1679, 1681, 1683-1691
Army Intelligence (G-2).....	1659, 1684
Army Intelligence School.....	1684
Army loyalty-to-the-United States form.....	1661
Army officer.....	1662
Army Transport Service.....	1666
Atomic bomb.....	1671
"Baker East" (interim report).....	1672
"Baker West" (interim report).....	1672
BeLieu, Colonel.....	1687-1689
Blattenberger, Mr.....	1686
Boston, Mass.....	1656
Camp Kilmner.....	1659
Capitol Hill.....	1656, 1675, 1676, 1679
Capitol Police.....	1656
Carr, Francis P.....	1656, 1657, 1660-1664, 1672, 1673, 1682, 1684
Cohn, Roy M., testimony of.....	1656-1693
Coleman, Aaron.....	1692
Communist defense funds.....	1661
Communist infiltration at Monmouth.....	1686
Communist infiltration in the United Nations.....	1671
Communist leadership school.....	1659
Communist literature.....	1684
Communist Party.....	1657, 1659-1661, 1667, 1671, 1684, 1686, 1688, 1689
Communists.....	1657, 1659-1661, 1667, 1671, 1684, 1686, 1688, 1689
Corr, Lieutenant.....	1687
Counselor to the Army.....	1656-1664, 1685-1687, 1690-1692
Daily Worker.....	1659
Department of the Army... 1659-1664, 1666, 1670, 1671, 1673-1679, 1681, 1683-1691	1659
Department of Defense.....	1688
Department of Justice.....	1689
Department of State.....	1677, 1679, 1692
Dirksen, Senator.....	1687
Far East.....	1659
FBI files.....	1688, 1689
FBI report.....	1661
Federal Bureau of Investigation (FBI).....	1661, 1671, 1672, 1688, 1689
Fifth-amendment Communist.....	1659-1661
Fort Dix.....	1672, 1673
Fort Monmouth.....	1673, 1682, 1683, 1685-1687, 1692, 1693
Fort Monmouth laboratory.....	1693
Four-F (Army classification).....	1666
G-2 (Army Intelligence).....	1659, 1684
Government intelligence agency.....	1671
Government Printing Office.....	1671, 1686
Hensel, H. Struve.....	1657
Hiss, Alger.....	1662
Holabird, Md.....	1684
Hydrogen bomb.....	1671
Information agency (interim report).....	1672, 1673
Inslerman, Felix.....	1662
Jones, Bob.....	1687-1690, 1692, 1693
Juliana, Jim.....	1673

	Page
Justice Department	1689
Lawton, General	1682, 1683, 1686
McCarthy, Senator Joe	1656, 1657, 1659-1668, 1670-1675, 1677, 1679-1682, 1685, 1686, 1691, 1692
McClellan, Senator	1693
Mundt, Senator	1656
New York City	1659-1661, 1664, 1665, 1669, 1680, 1681, 1683, 1684, 1690
New York City Police Department	1659, 1661
Partridge, General	1684
Pentagon	1678, 1679, 1683, 1685
Peress, Maj. Irving	1658-1664
Police Department (New York City)	1659, 1661
Potter, Senator	1687
President of the United States	1657
Pro-Communist literature	1684
Radar installations (Fort Monmouth)	1673, 1693
Rainville, Harold	1687-1690, 1692, 1693
Reber, General	1674-1679, 1681, 1685
Reserve commission	1674
Russian military mission	1692
Schine, G. David	1658, 1664-1685
Schine Hotel Corp.	1665
Secretary of the Army	1659, 1660, 1663, 1664, 1674, 1680-1687, 1690-1693
Senate Disbursing Office	1669
Senate of the United States	1657, 1693
Smith, Gen. Walter Bedell	1677-1681
Smith, Senator (New Jersey)	1692
State Department	1677, 1679, 1692
Stevens, Robert T.	1659, 1663, 1664, 1669, 1674, 1680-1687, 1690-1693
UNESCO	1671
United Nations	1671
United Nations (Communist infiltration)	1671
United Nations (UNESCO)	1671
United States Army	1659-1664, 1666, 1670, 1671, 1673-1679, 1681, 1683-1691
United States Department of Defense	1688
United States Department of Justice	1689
United States Department of State	1677, 1679, 1692
United States Information Centers (interim report)	1672
United States President	1657
United States Senate	1657, 1693
United States Senator	1679, 1687
Voice of America	1668, 1669, 1671-1673
Waldorf Towers (New York City)	1680
Washington, D. C.	1656, 1669, 1682, 1690
Zwicker, General	1660, 1661, 1663

Page  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
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**SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

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**HEARING**  
BEFORE THE  
SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE  
EIGHTY-THIRD CONGRESS  
SECOND SESSION  
PURSUANT TO

**S. Res. 189**

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**PART 45**

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**MAY 28, 1954**

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## CONTENTS

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	Page
Index.....	I
Testimony of—	
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on In-	
vestigations.....	1696

ST

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at  
E  
W

T  
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SPECIAL SENATE INVESTIGATION ON CHARGES AND  
COUNTERCHARGES INVOLVING: SECRETARY OF THE  
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE  
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,  
AND FRANCIS P. CARR

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FRIDAY, MAY 28, 1954

UNITED STATES SENATE,  
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

AFTER RECESS

(The hearing was resumed at 2:20 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will come to order.

The Chair would like to start in by welcoming the guests who have come here to the committee room this afternoon, and to call your attention to a standing rule of the committee to the effect that there are to be no manifestations of approval or disapproval audibly from the audience at any time in any manner. May I say that the uniformed officers that you see before you and the plainclothes men in the audience have standing instructions from the committee to escort from the room politely by immediately, and without argument, any of our guests who decide to violate the terms upon which he entered the room through disrupting the hearings by audibly making manifestations of approval or disapproval.

The Chair does not anticipate that we will have any difficulty with this overflow audience this afternoon, because all previous audiences have been magnificent, but he thinks that he should tell our guests now of that firm rule of the committee.

The Chair received one pleasant piece of information during the lunch hour which he would like to read to make his colleagues and all

participants feel a little better. Mr. Fulton Lewis, Jr., called me on the phone and said that the Mutual Broadcasting Co. had been conducting a poll as to whether these hearings were in fact worthwhile or not. He said they had received 149,895 pieces of mail.

"Do you believe that the hearings have been a good thing for the country?" "Yes," 115,930. "No," 33,965.

"Do you believe that the hearings should continue until all the facts are on the record?" "Yes," 104,474. "No," 42,000.

I thought on this weary Friday afternoon, my colleagues and all participants might like to know that there are people who believe that perhaps useful and valuable information is flowing out to the country as a result of these hearings.

Counsel Jenkins, you were interrogating Mr. Cohn.

#### TESTIMONY OF ROY M. COHN—Resumed

Mr. JENKINS. Mr. Cohn, by the way of a brief recapitulation, you say that Mr. Schine came to the committee in early February 1953; approximately at that time.

Mr. COHN. I think so, sir. The record will show the exact date, and we can get that for you.

Mr. JENKINS. It was known by the staff that he would be an inductee or draftee in early July?

Mr. COHN. He was eligible from July on, sir.

Mr. JENKINS. And at that time he had passed his physical?

Mr. COHN. Yes, sir.

Mr. JENKINS. Now, Mr. Cohn, from the time he came to the staff, we will say early in the year, approximately the first of February, up until the time he was inducted in the Army on November 3, he worked on certain specific files, as we understand from your testimony this morning.

Mr. COHN. No, sir. There was no such thing as his working on files, Mr. Jenkins. The way it would go was this: He would work on investigations, and we have hundreds and I suppose over a thousand files dealing with various investigations of the subcommittee. He did not as far as I know no specific work on the files as such.

Mr. JENKINS. Very well. He worked on investigations with respect to certain areas of inquiry. We will put it that way. For instance, the Voice of America.

Mr. COHN. There is no doubt about it.

Mr. JENKINS. No doubt about that.

Mr. COHN. No, sir.

Mr. JENKINS. Now specifically what other areas of investigation were worked upon by Mr. Schine?

Mr. COHN. I couldn't give you a completely accurate answer, Mr. Jenkins. I can tell you he did a tremendous amount of work on the Voice of America, the information agency—

Mr. JENKINS. Let's pinpoint it as we go.

Mr. COHN. Sure.

Mr. JENKINS. The Voice of America is No. 1.

Mr. COHN. Sure.

Mr. JENKINS. No. 2 you would list as what?

Mr. COHN. When I say Voice of America I had better clarify it this way: I mean the United States Information Agency and its activi-

ties. The Voice of America is but 1 of 5 subdivisions of the Information Agency. We investigated not only the Voice of America but the other 4 subdivisions as well, and I am sure there are a large number of files bearing upon the other 4 besides the Voice of America, so we might call it the information program.

Mr. JENKINS. The information program?

Mr. COHN. Right, sir.

Mr. JENKINS. And that embraces five different areas of investigation?

Mr. COHN. Yes, sir, the Voice of America, the broadcasting part, the International Press Service, International Motion Picture Service, the exchange program, and the Information Center program, I believe are the five.

Mr. JENKINS. Do you have a file, Mr. Cohn, on each of the five divisions?

Mr. COHN. I am sure we don't, and, again, I am just really guessing about this. I am sure we don't have 5 files, 1 on each of these things. We probably—

Mr. JENKINS. Do you have one file on it?

Mr. COHN. No. We probably have on that 50, 75, 100, 150 files relating to the investigation of the information program and its 5 subdivisions. I think that there might be files on witnesses, files on projects, things along those lines. There are undoubtedly a great number of files on these matters.

Mr. JENKINS. Well, now, the general topic is the information program, isn't it?

Mr. COHN. Yes, sir.

Mr. JENKINS. And that embraces at least five different areas of investigation?

Mr. COHN. It does, sir.

Mr. JENKINS. And, Mr. Cohn, would you not have one general file covering the information program?

Mr. COHN. I don't believe so, sir. I don't see how that would be possible.

Mr. JENKINS. Who does your filing down there in the office?

Mr. COHN. I don't know, sir. I assume that the girls do it under the supervision of Frank Carr.

Mr. JENKINS. Well, when you want some information pertaining to the information investigation, you ask someone to bring to you a file on that subject, do you not?

Mr. COHN. Well, when I want information, sir, I will usually ask Mr. Carr, Jim Juliana, one of the investigators, and they, I assume, will go to the file or wherever else it might be, and give it to me.

Mr. JENKINS. They are members of the staff?

Mr. COHN. Yes, members of the staff.

Mr. JENKINS. And if you want a certain, definite, specific piece of information, with respect to that particular subject, you usually ask Mr. Carr or Mr. Juliana, or other members of your faculty?

Mr. COHN. I think that is true. I might ask Frances Mims, or one of the girls in the office. It depends on who is around and what I want.

Mr. JENKINS. Then either Mrs. Frances Mims, or Mr. Juliana, or Mr. Carr, would know in which files the particular data is that you ask for, that is correct, isn't it?

Mr. COHN. Well, I assume somebody would be able to find it, sir.

Senator McCARTHY. Could I interrupt, Mr. Counsel?

It is not on the questioning and not on a point of order, but, Mr. Chairman, I understand we are adjourning this afternoon over the weekend, and I think it would be unfair to pull any surprises on anybody Tuesday morning. Therefore, I have a subpoena here which I would like to have served today so that those involved can give the matter some thought over the weekend. It is a subpoena which I am submitting to the Chair with a request that he sign it. It is directed to the Department of the Army and Robert T. Stevens, the Secretary of the Army, Pentagon, Washington, D. C.

If signed, it will order him to produce all files containing material related to the Army charges of March 11, Fort Monmouth, and to the Irving Peress case, and to the proposed removal of J. B. Lawton from command at Fort Monmouth, N. J., and otherwise pertaining to unfavorable action to General Lawton. I want to hand this to the chairman and request that this be signed so that we may have this material when we come back here Tuesday morning.

Mr. JENKINS. Shall I proceed, Mr. Chairman?

Senator MUNDT. Yes.

(Document handed to Chair)

Mr. JENKINS. Then, Mr. Cohn, if we should now ask for certain data pertaining to this one general subject of investigation, you could pull that out of the file, either yourself or through Mrs. Mims, Mr. Juliana or Mr. Carr?

Mr. COHN. Sir, if there are any documents you want, and direct me to produce them, I—

Mr. JENKINS. They will produce them?

Mr. COHN. I will go downstairs, we will go to the files and wherever else any of the papers or anything else you might want might be, and we will be glad to give you what ever we have, sir. We will obey the directions of the committee.

Mr. JENKINS. Now, I want you now, Mr. Cohn, to tell the members of the committee what other areas of investigation Mr. Schine directed his activities to from the time he went with the committee until the time of his induction into the Army.

Mr. COHN. Yes, sir. He worked on, I suppose, one way or another, a good number of the committee's investigations, Mr. Jenkins. He worked on various preliminary investigations of the committee, and in particular he would—

Senator McCARTHY. Could I interrupt, Mr. Cohn?

Mr. COHN. Surely, sir.

Senator McCARTHY. One of the newsmen has just called my attention to the fact that the subpoena is directed to material concerning J. B. Lawton. I know he has been referred to as Kirke. Can you tell me whether it is J. B.?

Mr. COHN. It is Maj. Gen. K. B. Lawton.

Senator McCARTHY. It is K. B. instead of J. B.?

Mr. COHN. Yes, sir.

Senator McCARTHY. K. B. Lawton. Thank you very much.

Mr. JENKINS. Now, Mr. Cohn, I am asking you to name all of the general subjects upon which Mr. Schine worked in the time of his induction—from the time he went with the staff until the date of his induction.



Mr. COHN. Yes, sir. I would say that he worked on a good number of the committee's preliminary investigations, and, Mr. Jenkins, he would handle a number of informants for the committee.

In other words, he would be the contact man between the committee and a number of witnesses or informants who were furnishing information to the committee on various matters which might or might not result in investigations into preliminary investigations.

To give you a better picture, Mr. Jenkins, we get down in the committee, and Senator McCarthy particularly gets up in his office, a tremendous amount of mail, a tremendous amount of material furnishing information, furnishing leads, suggesting that certain witnesses be contacted. People are coming in every day in the week with information. That is referred to various staff members, and sometimes it will result in something more, sometimes it will result in nothing.

It is a very busy office. There is just a tremendous volume of subjects.

For instance, I am sure at the present time there must be a hundred or so—and I am guessing at the exact figure—preliminary investigations underway which various people are working on or have furnished information about, a very broad area. It is very difficult for me just to go down the list. I can name some for you if you care to have me do that.

Mr. JENKINS. Among other things that Mr. Schine did was to discuss facts or interview or interrogate a number of witnesses, which I believe you said this morning numbered into the hundreds?

Senator McCARTHY. Could I interrupt the very able counsel again?

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. A subpoena was served upon me this noon. I have been asked by half a dozen newsmen if we couldn't clarify just what was in that subpoena, whether it will be honored by me, and what will happen with regard to the material that is subpoenaed.

In view of the fact that we are trying this before a rather large jury, a jury of 20 or 30 million, I think maybe we should clarify that, Mr. Jenkins, if we could.

Mr. JENKINS. Very well. I haven't asked you about the production of any files yet, Mr. Cohn. I am trying to find out the character of the work Mr. Schine did, and we now understand, and we understand from your testimony this morning, that, among other things he did, was interviewing and interrogating witnesses.

Mr. COHN. Yes, sir.

Mr. JENKINS. Numbering into the hundreds, I believe you said.

Mr. COHN. I believe that statement is an accurate one, sir.

Mr. JENKINS. Is accurate?

Mr. COHN. Yes, sir.

Mr. JENKINS. And that in some instances he dictated memoranda with respect to his interview of those witnesses?

Mr. COHN. Well, I would say there were a couple of stages in that, Mr. Jenkins. Undoubtedly, there were some memoranda. There were other things which I call—you might have a different name for it—trial briefs. It would start, "John Jones—"

In other words, you would interview a witness and then afterward, sometime later, before you called the witness in an executive session or

public session, you would get up a list, a sheet of paper, which would say, "John Jones will testify as follows:

"I am an engineer at the Voice of America. I went with the Voice of America such and such year, and such and such date it came to my attention that they were building a transmitting station in an area where it wouldn't work, and I complained about it and they wouldn't do anything about it, and So-and-So is a Communist."

Things along those lines. Trial briefs were drawn up. I believe on a number of occasions such trial briefs were furnished to members, handed out to members of the subcommittee prior to the appearance of the witness before the committee. In other words, before the witness would come before the committee, Mr. Schine or somebody else would pass out to the members of the subcommittee this trial brief, or synopsis in other cases, of the general area that the witness might cover, and I am sure that our files or drawers down in the office would contain a number of those trial briefs and memoranda and other notes, and things of that kind.

Mr. JENKINS. In short, when he would interview a witness, you believe his memoranda or trial brief or synopsis, whatever you want to call it, would contain the name and address of the witness, wouldn't it?

Mr. COHN. On occasion, definitely, sir.

Mr. JENKINS. And a synopsis of the information imparted to him by that witness?

Mr. COHN. Yes, sir.

Mr. JENKINS. That is right?

Mr. COHN. There were a lot of occasions when that was done.

Mr. JENKINS. Those are memoranda usually prepared by Mr. Schine while he was with the staff or prepared by others on the staff as a result of their conference with Mr. Schine; that is right, isn't it, Mr. Cohn?

Mr. COHN. As a general proposition, Mr. Jenkins. It is awfully hard for me in a couple of answers to try to give a picture of the way the whole office runs and the volume of work that is done there and the way in which things are done. For your particular purposes here, I agree with that statement.

Mr. JENKINS. I think that is perfectly clear. I believe you stated this morning that in some instances there was no dictation or no memorandum prepared by Mr. Schine.

Mr. COHN. That is true, sir.

Mr. JENKINS. He carried that information in his head?

Mr. COHN. That is true.

Mr. JENKINS. Including the name of the witness?

Mr. COHN. That is true.

Mr. JENKINS. His informer?

Mr. COHN. There are some instances in which he carried it in his head. There are others in which a file might contain a list of 12 witnesses without any reference to what those witnesses know or would be able to say. There was just no set pattern, sir.

Mr. JENKINS. Mr. Cohn, those memoranda prepared by Mr. Schine—and I am talking about the ones that he dictated or prepared or supervised from the time he went to the committee until his induction into the Army—are in the files with this committee, in this room, are they not?

Mr. COHN. Not in this room, sir.

Mr. JENKINS. I mean in this building.

Mr. COHN. Yes, sir.

Mr. JENKINS. Very well.

Mr. COHN. As far as I know, a great deal of them are right down there.

Mr. JENKINS. Mr. Cohn, after he was inducted into the Army, he had certain week nights off?

Mr. COHN. Yes, sir.

Mr. JENKINS. And certain weekends off?

Mr. COHN. Yes, sir.

Mr. JENKINS. That was for the purpose of enabling him to do committee work, was it not?

Mr. COHN. It was, and he did.

Mr. JENKINS. He did do that?

Mr. COHN. He did, sir.

Mr. JENKINS. Mr. Cohn, during that period of time you say you were getting information from him that he had acquired prior to his induction in the Army?

Mr. COHN. That is right, sir.

Mr. JENKINS. I take it that memoranda of such information was prepared?

Mr. COHN. Let me answer to you this way, Mr. Jenkins: This is the way it would go. There are again a number of categories. I know that I on occasion—let me give you one example, if I may, which just occurs to me which might be helpful. There was a man who had been one of Mr. Schine's contacts in New York who had information on radar and on the giving of radar secrets to the Russians and to the Communists, and very important information. That man had been referred to Mr. Schine by an assistant secretary in one of the President's executive departments. Mr. Schine talked with that man, I don't know how many times he talked with him, but he got a certain amount of information. At the time he obtained the information we decided not to use it. It didn't fit in at that particular time. Then Mr. Schine went in the Army. There came a time when we wanted to use that information. I tried to contact that man. He would not talk to me at that point. Certain things were developing. I remember that I reported back to Senator McCarthy, and he told me to go down and talk with Mr. Schine and get what Mr. Schine knew about this man's testimony. I did go down and I did have a discussion with Mr. Schine. I think a staff member was with me. We got a number of facts from him as to what this man had said.

Mr. JENKINS. Did you make a memorandum of that?

Mr. COHN. I don't think I did make a memorandum. I know I talked with Senator McCarthy and some other staff members about that. The reason I don't think I made a memorandum is this: that man subsequently committed suicide. After that event happened I was contacted by an authoritative Government intelligence agency which knew that Mr. Schine had been in touch with this man. I explained what I knew about the situation, and by this time Mr. Schine was down at Camp Gordon. I remember telephoning down there and talking with Mr. Schine. It developed that there had not been a memorandum. He had never made a memorandum. I had not made a memorandum, after talking to Mr. Schine about it.



So what I did then was verbally supply to this intelligence agency—it was the FBI—the information which we had, and I believe I contacted Mr. Schine and confirmed that information. I don't know whether they actually interviewed him at that point.

That is one specific thing which occurs to me right now.

Another thing, sir, which covers a great area of what you are interested in right here involves the preparation of the interim reports on this information program investigation we were just discussing. When we learned that Mr. Schine would be inducted it had been expected, by the way, that he would write or prepare a draft or proposed report. He knew more about those investigations than anyone else did.

It was expected that he would prepare drafts of those reports. He was working on a lot of other things, day-to-day matters, and it would have been difficult for him to do that in the fall months. We therefore asked the research director of the committee if he could take over that part of Mr. Schine's work and finish it so Mr. Schine could work on these other matters. He agreed to do so, and on some of the reports he did a highly competent job. With respect to three, the Voice of America, the information program report, the Voice of America engineering project report, known as Baker East, Baker West, the subtitle, and the report on the United States Information Service, the research director stated that he had not been with the committee while the investigation was conducted and that it was not possible for him to do the right kind of a job.

Nevertheless, he drafted up some copies of the reports. We are now well into—I think this was about October or November, late October, or the beginning of November, and he sent a draft up to Senator McCarthy, of the first one. Senator McCarthy read it over and made some notes on it and then drew a big "X" through the top page and the last page and indicated that the whole report must be redone from top to bottom and that he wanted Dave Schine to do it. Dave Schine rewrote that report, the Information Center report, the Baker West report, and the Voice of America proper, or information program proper report, and as well as those three reports, he helped prepare the three sections dealing with those reports which appear in the annual report of this subcommittee. That was a long and arduous job. He did the rewriting job. After he did it, it was checked over. I typed a good deal of it myself at home, I might say, his notes. Other matter he submitted directly down here to the committee.

Senator McCARTHY. I don't like to interrupt this testimony which I think is extremely important, but for the first time for a week, Mr. Chairman, I would like to raise a point of order, and that is, with the wind blowing this way, Mr. Chairman, I don't know what you are smoking but it is awfully hard on me. I wonder if you would revert to the pipe instead of the cigar.

Mr. SYMINGTON. Mr. Chairman, if Senator McCarthy thinks it is bad for him, look where I am sitting.

Senator MUNDT. Very well. The Chair thinks he can attend to that point of order to the satisfaction of all concerned.

Senator JACKSON. I think it should be noted that there are at least three nonsmokers on the left side of the Chairman.



Senator McCARTHY. May I say to the Chair if he will throw that away, I will, on Tuesday morning, bring some cigars made of tobacco.

Senator MUNDT. The photographers will kindly resume their positions.

Mr. JENKINS. Now, Mr. Cohn, had you finished your answer?

Mr. COHN. Not quite, sir, but almost.

Mr. JENKINS. You go ahead.

Mr. COHN. Mr. Schine prepared substantial sections of these reports. He did a lot of rewriting. As a matter of fact he reorganized the whole way of doing it. He thought that instead of one comprehensive report, which is what we had first thought of, that it should be broken down into 3 parts, and that there should be 3 separate interim reports to be filed before the annual report. He went ahead and he did, I would say, the greater part of that job.

Mr. JENKINS. Are you talking about work he did, now, after he was inducted into the Army?

Mr. COHN. I am, sir. This is work he did after he was inducted into the Army.

Mr. JENKINS. And during the 8 weeks' stay at Fort Dix?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, let me ask you this question: Were you with Mr. Schine on all or practically all occasions of his leave of absences from Fort Dix?

Mr. COHN. I cannot say that, sir. I was with him, I worked with him, on a good many of those occasions. And other staff members worked with him on other occasions.

Mr. JENKINS. Were you with him on his leave of absences on week nights? Certainly on some occasions?

Mr. COHN. On a few occasions I was, sir, and on a few occasions, I don't think there were too many, I don't think there were too many week nights at all, but on a few occasions I was with him and on a few occasions other members of the staff were with him, sir.

Mr. JENKINS. What other members of the staff were with him, Mr. Cohn?

Mr. COHN. I can recall Frank Carr, I can recall Jim Juliana, sir. There were probably others. I would say there were. I would say as things would arise, and some one had to talk with him about something, Senator McCarthy would send someone to talk with him.

Mr. JENKINS. Were you with him on weekends?

Mr. COHN. I was a number of times, sir, and when I wasn't I would talk with him on the phone or he would deliver to my house the written product so far as these reports were concerned.

Mr. JENKINS. Mr. Cohn, state whether or not on any weekend that Mr. Schine was off from Fort Dix he went to Miami, Fla., or the State of Florida?

Mr. COHN. Whether he went to Miami, Fla., or the State of Florida?

Mr. JENKINS. The State of Florida.

Mr. COHN. While assigned to Fort Dix?

Mr. JENKINS. Yes, sir.

Mr. COHN. The answer to that, I am sure, is "No."

Mr. JENKINS. He was not in the State of Florida during the Christmas holiday?

Mr. COHN. During the Christmas holiday?

Mr. JENKINS. Yes.

Mr. COHN. He was not. He was working during the Christmas holiday.

Mr. JENKINS. Was he in the State of Florida during the New Year's holiday?

Mr. COHN. He was not, sir.

Mr. JENKINS. You say he worked during the Christmas holiday?

Mr. COHN. I do, sir.

Mr. JENKINS. On committee work?

Mr. COHN. Yes, sir.

Mr. JENKINS. Were you?

Mr. COHN. Yes, sir.

Mr. JENKINS. Where?

Mr. COHN. If we want to talk about day by day, I think I can help you on that.

Mr. JENKINS. All right, Mr. Cohn, let's start back, then, with the first day, the first night that he was away from Fort Dix. Were you with him on that night?

Mr. COHN. The first night he was away from Fort Dix?

Mr. JENKINS. On a leave of absence on committee work.

Mr. COHN. He went down there on—

Mr. JENKINS. The 10th day of November.

Mr. COHN. On the 10th of November. On that night, I suppose he was down there. I didn't see him. On November 11, Frank Carr and I—it was Armistice Day and there was no training, by the way, and I know Frank Carr and I went down to see him. Frank Carr took with him a large bundle of papers. I think those were concerning—Frank will be able to tell you about those—I think those concerned the Fort Monmouth investigations and the interviews which Schine had conducted on those.

We sat, the three of us sat at a picnic table out near the reception center at Fort Dix, outside, for 2 or 3 hours and went through those papers. When we were through with them, and talking about the Monmouth investigation, we left.

That, I believe, sir, is the first time we saw Schine after he went down to Dix.

Mr. JENKINS. Was any memorandum ever made of that meeting or conference with David Schine?

Mr. COHN. A memorandum of the meeting?

Mr. JENKINS. Yes.

Mr. COHN. No, sir; I don't believe there was.

Mr. JENKINS. Or of the information that he imported to you at that time?

Mr. COHN. That I can't be sure of. It is very possible, in fact probable, that Mr. Carr might have noted on some of those files or papers that he had down with him, certain facts which Mr. Schine had given to him. I don't know.

Mr. JENKINS. But if a memorandum was made, it could easily be found in the files, as we understand it?

Mr. COHN. Yes, sir. I don't think Mr. Carr went back and dictated a memorandum that, "I saw Dave Schine today," such and such and such and such. He went down to see Dave Schine and to talk to him

about certain matters that he had worked on. I assume he got the information and acted upon it.

Mr. JENKINS. Did Mr. Schine leave the post on November 11?

Mr. COHN. I don't believe so, sir.

Mr. JENKINS. You don't think he did?

Mr. COHN. No.

Mr. JENKINS. And that was Armistice Day?

Mr. COHN. Yes, November 11.

Mr. JENKINS. When was the next time after November 11 that Mr. Schine was given a leave of absence to work with the committee?

Mr. COHN. After November 11, sir—I just can't give you that date, sir.

Mr. JENKINS. Well, anyway—

Mr. COHN. I remember this. It was probably after training on that weekend or on the next weekend. I recall this, Mr. Jenkins. I recall one of the early things he worked on was the preparation of the David Greenglass deposition, which we introduced in evidence at our first public hearing at Fort Monmouth. Mr. Schine had been down on the interview of David Greenglass and had gotten information from Mr. Greenglass. I think Mr. Schine had taken some notes on that day. In fact, I think he took a lot of notes on that day, as to what Greenglass had said.

Mr. JENKINS. Where are those notes, Mr. Cohn?

Mr. COHN. They are someplace, I suppose, sir.

Mr. JENKINS. They can certainly be found, can they not?

Mr. COHN. Yes, if they are in existence. I know we now have the notes reduced to the Greenglass deposition, and that is in the record of this committee.

Mr. JENKINS. They were prepared, those notes were taken, made by Dave Schine after he was inducted into the Army?

Mr. COHN. No, sir. The notes he took were taken up at Lewisburg Penitentiary when we were interviewing David Greenglass. The matter then dropped, Mr. Jenkins. What I was telling you, sir, was that there came a time after Mr. Schine was down at Fort Dix that—well, I have to go back one step further.

After the Greenglass interview, we anticipated calling Mr. Greenglass as a witness before the subcommittee. We had every reason to believe that would be done. That did not work out. The Department of Justice, Mr. Rogers, vetoed that idea, and we were not allowed to have David Greenglass appear before the subcommittee. Therefore, we had to get what Mr. Greenglass had to say before the subcommittee in written form, and somewhat at the last minute.

I recall that Mr. Schine drew up in question and answer form what he thought was an accurate estimate of what David Greenglass had said when he had been interviewed by us in October.

I recall I was away. I was out of town. And Mr. Schine sent another committee investigator over that weekend up to Lewisburg to talk to Greenglass. As I recall it, the committee investigator went over what Schine had written up with Mr. Greenglass. Mr. Greenglass made a number of changes, and I think on a Sunday Mr. Schine talked with Mr. Greenglass or with the investigator who was standing at the side of Mr. Greenglass, and worked out the final copy of this deposition; and a few days later it was in evidence before the



committee. That is the deposition which I read from in the record here yesterday.

That is another incident which comes to my mind right now.

Mr. JENKINS. Mr. Cohn, without going into each specific instance of a leave of absence, I want to ask you this —

Mr. COHN. Surely.

Mr. JENKINS. Mr. Schine was at Fort Dix for a period of 8 weeks; that is correct, isn't it?

Mr. COHN. Yes, sir.

Mr. JENKINS. During that period of time, he had various and sundry consultations with the members of your staff?

Mr. COHN. He did, sir.

Mr. JENKINS. You say that during those consultations you had him impart to you knowledge that he had acquired prior to his entrance into the Army?

Mr. COHN. That is in this one category sir, and perhaps a small category. Yes, sir.

Mr. JENKINS. Certain memoranda were made of those interviews and of the facts that you gleaned as a result of your conferences with Dave Schine?

Mr. COHN. Sir, I can't say that certain memoranda were made. After each visit we would not come back and make a memorandum. We would go down to find out about something. I remember the night of November 17, when Senator McCarthy was along, there was a specific investigation which he wanted to discuss with Mr. Schine. It was something on which Mr. Schine had been working. It was a matter of getting Mr. Schine's evaluation of certain facts and the testimony of certain witnesses with whom Mr. Schine had been working. I remember that. That was after that plane ride with Mr. Stevens. We went over to the Air Force Base at McGuire Air Field. Colonel Lavelle and Colonel Bradley were there, and when Senator McCarthy started talking with Mr. Schine about this investigation, the two colonels excused themselves and the discussion continued for some period of time. I did not make a memorandum about that. I assume Senator McCarthy did not.

I know that after talking with Mr. Schine and then with other members of the staff thereafter, we decided to do something, or rather, not to do something.

Mr. WELCH. Mr. Chairman, could I interrupt a moment?

I would count it a great courtesy, Mr. Jenkins, if you would ask the witness over the long weekend to get together 75 or 100 typical Schine memoranda so they could be examined by me or my staff.

Mr. JENKINS. I haven't come to that yet, Mr. Welch.

Mr. Cohn, let me ask you this question: Did Schine prepare any memoranda whatever after November 3 on any subject?

Mr. COHN. I think the answer to that—I can only give you a guess—is probably yes, sir. I would have to check the files and talk with him before giving you a definite answer on that. I assume now you are referring to, did he himself dictate or prepare specific memoranda, distinguishing that from talking to members of the subcommittee staff.

Mr. JENKINS. That is the question I have asked you. Did he or not?

Mr. COHN. I would say in all probability there are some. I don't know.



Mr. JENKINS. Did or not you prepare any memoranda after November 3 as a result of your conferences with Schine?

Mr. COHN. Specific memoranda?

Mr. JENKINS. Yes, on any subject.

Mr. COHN. I don't recall that I prepared specific memoranda, no, sir.

Mr. JENKINS. Did any member of your staff?

Mr. COHN. I don't know that, sir. I would have to talk with each one who talked with Mr. Schine and find out whether, after talking with him, they went back and prepared some kind of memorandum, or whether they merely found out what they wanted to know and acted on the basis of it. There might be some. I don't know.

Mr. JENKINS. Then, as far as you know, there is not now in your files a single memorandum prepared either by Schine or by anyone who talked to Schine, after November 3? Is that right, Mr. Cohn?

Mr. COHN. No, sir, I can't quite say that, because I know there are certain written things in the files, and if you want, I will be glad to tell you about those.

Mr. JENKINS. That were either prepared by Mr. Schine or prepared by members of the staff as a result of their conversations with Mr. Schine?

Mr. COHN. Under that category, yes.

Mr. JENKINS. Mr. Cohn, how long would it take you to go to your files with other members of your staff and take from these files those memoranda that you have just told us about?

Mr. COHN. Oh, I don't know how long it would take, sir. It wouldn't take too long, I am sure.

Mr. JENKINS. Would it be possible, if we had an adjournment, for you to go down there now with members of my staff and look through your files and find out just what had been dictated by Dave Schine subsequent to November 3 or what had been dictated by any member—

Mr. COHN. No, sir, I would say it would not be possible in a matter of a few minutes to give you a complete answer to what you want. I can give you right now a certain amount of information.

Senator McCARTHY. Mr. Jenkins, would you do me a favor?

Mr. JENKINS. Yes, indeed.

Senator McCARTHY. I have what appears to be an urgent call. I would like not to have the subpoena matter brought up while I am gone. Would you hold that up for 5 minutes, the production of the files? Would you do that?

Mr. COHN. Continuing, Mr. Jenkins, I think I can give you a good deal of the information that you want right now. The main—

Senator SYMINGTON. Mr. Chairman, if we are going to hold it up—

Mr. COHN. I thought the Senator meant a technical discussion of the subpoena. I don't think he objects to your interrogating me.

Mr. JENKINS. What I want to know, Mr. Cohn, is whether or not you can produce those documents, papers, writings, that were either prepared by David Schine or any of you as a result of your conferences with David Schine subsequent to November 3.

Mr. COHN. Yes, sir. I would say the outstanding example are the three interim reports of the subcommittee, namely, engineering proj-

ects, the information centers, and Voice of America proper, plus those sections of the annual report. They have been printed. They are available. I have them. I can produce them for the committee, along with my sworn statement that substantial portions of them were written by Mr. Schine.

Mr. JENKINS. As we understand it, Mr. Cohn, they were prepared by another person after Schine was taken in the Army.

Mr. COHN. No, sir.

Mr. JENKINS. And revised by Schine. Am I wrong about that?

Mr. COHN. You are, sir.

Mr. JENKINS. Did he prepare the originals of those reports?

Mr. COHN. No, sir. Here is what happened. Before he went in the Army, in anticipation of his going into the Army, Senator McCarthy asked the research director of the subcommittee to write the report. The research director of the subcommittee prepared those reports.

Mr. JENKINS. Who is the research director?

Mr. COHN. Mr. Karl Baarslag.

Mr. WELCH. Mr. Chairman.

Mr. Jenkins, I don't mean to startle you so. These three interim reports I assume are in print and could be furnished to counsel, could they not?

Mr. COHN. Of course. I will do that right away.

Mr. WELCH. I would be glad to have them.

Mr. JENKINS. We will ask for those forthwith.

Mr. WELCH. Mr. Juliana is looking over his shoulder and apparently going to get them.

Mr. JENKINS. Do you have those here, or can they be made available to us forthwith?

Mr. COHN. If not, we can get them.

Mr. JENKINS. Will you ask Mr. Juliana to get them?

Mr. COHN. He didn't need the request. He has them in the room already.

Mr. JENKINS. You were interrupted. Go right ahead with your statement.

Mr. COHN. The research director of the subcommittee was asked by Senator McCarthy to prepare a draft of all these reports.

The Senator thought that would remove that much of what Dave had left to do. He got out a draft of one report which I believe was all right. That was on the State Department filing system, if I recall it correctly. When it came to the report on the information program investigation which had been, sir, you must bear in mind, the principal investigation—when I say principal I mean in length of time and number of hearings held—of the subcommittee during the last year. It occupied a matter of months. Public hearings were held day in and day out, executive sessions and staff interviews, in the time of the committee's information. They are not even over now.

On those reports the research director submitted something to Senator McCarthy which Senator McCarthy believed was not satisfactory. We talked to the research director and asked if he couldn't re-do them. He said since he had not been with the subcommittee while those things were going on he could not do the job. He said in connection with the State Department filing system, I believe, that

he had worked with the boys on the staff who had handled that investigation and that he thought these reports on the information program should be prepared by Dave Schine who had done the work on that investigation.

Senator McCarthy read the draft the research director had prepared and agreed that they had to be just scrapped and redone completely. From that point on, David Schine took over that job and he did it in substantial part. I worked on it with him. It came down here to Washington, Frank Carr worked on it, it went back to the research director, it was submitted to the various members of the subcommittee for comment, they made changes in it and the final comment evolved.

But that was, I might say, the bulk of the work done by Dave Schine during that period of time.

Mr. JENKINS. And those reports will be filed with this committee this afternoon? You have now sent for them as I understand it.

Mr. COHN. I am sure of that, sir. We can do that this afternoon. And, Mr. Jenkins, there are also the sections of the annual report which pertain to these three reports. In other words, in the annual report, we had sort of a summary of each interim report, sort of a summary of each investigation which the subcommittee had conducted during the year, and those particular sections with which Mr. Schine was familiar, with which he had handled on the investigation, were prepared in part by him, and we would have those for you, too.

Mr. JENKINS. And you say you would not be able to submit to the committee this afternoon any documents or memoranda prepared by Mr. Schine subsequent to his induction into the Army, with the exception of these three reports?

Mr. COHN. No, sir, I don't say that. I say that in order to do the job you want me to, and give you what we can, I would like to work on it over the weekend, or whatever else you want, and talk to the staff members and go through the files and see that we give you what there is there. I don't think I can do that for you in 5 or 10 minutes and do any kind of an accurate job.

Mr. JENKINS. Could you assign one of the members of your staff to it now, Mr. Cohn?

Mr. COHN. I don't have to. I worked on that myself.

Senator McCarthy. May I interrupt? I missed the last 3 minutes. I had to, for a phone call, which I thought of some importance. If you are talking now about the subpoenas, may I say that when the subpoena—

Senator MUNDT. There is no talk about subpoenas. You are wrong.

Senator McCarthy. You are talking about the production of records from our files?

Senator MUNDT. Yes, about the records.

Senator McCarthy. Couldn't we get down to this question of the subpoena? I have to leave fairly soon and I would like to dispose of that.

Mr. JENKINS. I would be glad to dispose of that now.

Senator McCarthy. May I say the reason I ask this is because I have to leave fairly soon, and I want to dispose of this question.

Mr. JENKINS. Glad to. Mr. Cohn, during the noon hour, there was a subpoena issued upon you; is that correct?



Mr. COHN. It was addressed to the committee or myself. I was eating lunch with Senator McCarthy and your process servers arrived on the scene and I respectfully referred them to the chairman of the committee and he accepted service of the subpoena, sir.

Mr. JENKINS. And it was a subpoena for these files on the Voice of America, and other files upon which Dave Schine had worked, and particularly for all documents, data, memoranda, notes, made by Dave Schine, both before his induction into the Army on November 3 and thereafter? In substance, is that correct?

Mr. COHN. I would say it is much broader than that, Mr. Jenkins. I would say it would call for us to turn over probably three-quarters of all our files, and take them out of our office and turn them over to the committee. It says:

All files pertaining to the investigation of the Voice of America, Overseas Information Service, the Government Printing Office, the investigation of Communists and subversives in the Army and at Fort Monmouth, and all other files on which G. David Schine did any work.

That embraces a very large part, I suppose, of our files. I have read the wording of the subpoena and I suppose it speaks for itself, sir.

Mr. JENKINS. Now, Mr. Cohn, can you, in association with members of your staff, examine those various files mentioned in that subpoena?

Mr. COHN. Surely.

Mr. JENKINS. And take therefrom everything that constitutes the work of Dave Schine that is documented?

Mr. COHN. Yes, sir.

Mr. JENKINS. Will you do that?

Mr. COHN. I would be very happy to do that.

Mr. JENKINS. When may the committee expect that information to be forthcoming?

Mr. COHN. The committee may expect that information to be forthcoming, unless something unforeseen happens, and I am sure it won't, at the beginning of its next session, which means I will have to stay down here over the weekend. I will be glad to do it, though.

Senator MCCARTHY. Mr. Chairman, just so there are no precedents established, I want to make it clear that Mr. Cohn is not in charge of the files. The chairman is. That is why I insisted the subpoena be served upon the chairman.

Mr. COHN. I will be glad to work on the job over the weekend for you, Mr. Jenkins, and try to have this for you the first thing on Monday morning, Tuesday morning. I am told we don't sit on Monday.

Mr. JENKINS. You say it could not be done prior to that time?

Mr. COHN. Well, if you would like us to try, sir, we could stay down tonight, I suppose, and work as fast as we can if it is a matter of that urgency.

Mr. JENKINS. There is no disposition on my part to work any undue hardship on anybody.

Mr. COHN. It won't be an undue hardship. We will do whatever you want.

Mr. JENKINS. We are trying to find out the character, kind, and extent of the work done by Mr. Schine, particularly after he went into the Army on November 3.

Will those files, or certain parts of them, reflect the work done by Dave Schine after November 3?



Mr. COHN. I would say the bulk of the matter would be in these reports which we can give you this afternoon. I would say anything else in the files, sir, there might be some memoranda, I know myself of 1 or 2, one thing just comes to my mind now concerning a report which he had drawn up on the Voice of America situation as of the last few months, you will get the bulk of that in the form of these three reports and the sections of the annual report.

That is the main job he did in the limited amount of time he spent for us while down at Fort Dix.

Senator JACKSON. Mr. Chairman, a parliamentary inquiry?

Senator MUNDT. Senator Jackson?

Senator JACKSON. I make it for the purpose of speeding a decision on this matter. It is my understanding that it is not expected that all these files as such be turned over, but only that part of the files in which G. David Schine has done some work as evidenced by memoranda of various kind.

Mr. JENKINS. Senator, that is all I asked for.

Senator MUNDT. Senator, that is correct. I might say to the Senator that the subpoena was very hastily drawn. I think it was very broad and I said so at the time. I said if it was signed with the understanding that it involved just what the counsel talked to me about, and that is the parts of the files which have been prepared by G. David Schine, and that the committee rule against disclosing informants was maintained, it would be perfectly all right. I think the wording was broader than the intent. The intent was very clear to all parties.

Mr. COHN. May I consider the subpoena is amended?

Senator MUNDT. Mr. Prewitt tells me he is preparing a modified subpoena which spells out precisely what all hands want. That should simplify the matter considerably.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. In view of the fact that we are dealing with matters here which go far beyond this investigation insofar as establishing precedents are concerned, I do believe that the members of the committee should know that position the chairman of the Permanent Investigating Committee will take insofar as subpoenas are concerned. Before I do that—Roy, do you have that subpoena there?

Mr. COHN. Yes, sir; I do.

Senator McCARTHY. Would you give it to me?

Mr. COHN. I also have the report Mr. Welch wants.

Senator McCARTHY. I may say this subpoena—

Senator MUNDT. Would you give Mr. Welch the reports which are now available?

Mr. COHN. Yes, sir.

Senator McCARTHY. I may say the subpoena—

Senator MUNDT. Go ahead, Senator McCarthy.

Senator McCARTHY. May I ask the chairman in view of the fact that I have the—

Senator MUNDT. You have the floor. Go ahead.

Senator McCARTHY. That I have yielded to his request that I not take the time of the committee, not interrupt him, and I have done that for about 3 or 4 days. Now will you give me about 10 minutes.

Senator MUNDT. I wish you could do it in less, but proceed.

Senator MCCARTHY. O. k., make it nine and a half.

Senator SYMINGTON. Will the Senator yield to me for just a minute?

Senator MCCARTHY. I will, Stu, but let me go over this for just a minute and then I will be glad to do it then.

This noon there was served upon me a subpoena which ordered the production of all files on which Schine did any work. I was confused by that. I knew this was actually drawn over the noon hour. I knew that the Chair of this committee signed subpoenas as I do, upon the request of his counsel. This is no reflection upon the chairman of this committee. But this subpoena would indicate that we were supposed to bring up to this room all of the files we have in the committee room. I was confused by that because the Chair has access to those at any time he wants to have access.

However, Mr. Chairman, we do have a new element introduced into this as of yesterday. Yesterday, as the Chair will recall, Senator McClellan, who is the ranking Democratic member of this committee, made the unqualified statement that he thought it was a crime for individuals to give me information about Communist infiltration of this Government if that had the stamp of secret, confidential or restricted. It was very clear, I believe, that my two good Democrat friends who are here at the table today agreed with him on that.

That can mean only one thing, namely, that my Democrat friends feel that we should send to jail those people who give us information about graft, corruption, and communism, rather than those who are guilty of those crimes. In fact, I believe it was suggested by one of my Democratic colleagues that I was guilty of a crime for bringing to the attention of the people this information about Communist infiltration at Fort Monmouth.

Mr. Chairman, that poses a very serious question as far as I am concerned. I have a duty to the people who furnish me information, not to have their names known. I know many of them would lose their jobs if their names were made public. Our files contain some of those names.

In view of Senator McClellan's statement—and he is high in the hierarchy of the Democratic Party, and I assume it is a high policy decision—

Senator SYMINGTON. Mr. Chairman, I would like to make a point of order, if I may.

Senator MCCARTHY. Could I finish?

Senator SYMINGTON. My point of order is that I don't think we ought to discuss what Senator McClellan does think or doesn't think the one day that, because of personal business, it was necessary for him to leave this committee. If the Senator from Wisconsin wants to ask an individual Democrat what he thinks about it, who is present, speaking for myself, and I am sure my distinguished colleague from the State of Washington agrees, we would be very glad to tell him.

It is a complicated subject. The President spoke on it again this morning. I would appreciate that it not be taken as a general Democratic policy matter at this time, in the absence of our senior colleague, the Senator from Arkansas. I thank the Senator from Wisconsin for letting me make that observation.

Senator JACKSON. Might I say this, Mr. Chairman: I see no point, in order to get some simple information which is very relevant to the inquiry and the charges made, that we need to go into these other matters. I want to say this in Senator McClellan's absence. I do not recall that Senator McClellan ever said that the giving of information, as such, that would aid in rooting out communism, corruption or treason, or what have you, is wrong. The whole issue is, can we permit individuals who work for the Government, who have an oath and obligation to carry out their orders, to turn over documents to anyone not authorized to receive the same. It is that simple.

Mr. Hoover told an individual who had a copy of one of these documents, according to the press account, that if it were given out he would be arrested. The Attorney General has spoken out, I think the issue is very clear, and I don't see that we need to go into this whole question.

Senator McClellan is not here today, and I think that we ought to try to confine ourselves, Mr. Chairman, to the specific request for relevant material that relates to this inquiry.

Senator MUNDT. In response to the two points of order, may the Chair again say this: that a subpoena was hastily drawn as a result of a telephone conversation which he had with counsel. It was brought to my room at a time when there were several people in the office, just preceding lunch, and I signed it. I said, "It seems to me that this subpoena is broader than the understanding I had with the counsel over the telephone." I said, "If you will interpret it on that basis and make it clear that what we want is what the counsel had asked for from the witness, and what I understood from counsel had been requested by some of the members of the committee, the memoranda and the documents and the data and the reports which were worked on by David Schine, and if it is done with the understanding"—and I want you to get this point, Senator McCarthy, because it clears up what you are talking about—"with the understanding that we are not going to make the names of any informants public, we are not going to go beyond the matter of our committee counsel as far as the names of informants are concerned, I will sign the subpoena and it will be delivered."

Senator SYMINGTON. A parliamentary inquiry.

I beg your pardon, Mr. Chairman. I thought you had finished.

Senator McCARTHY. How long must this interruption go on? I started to make a statement.

Senator MUNDT. A point of order was raised, and the Chair is talking on the point of order.

Senator McCARTHY. If I may—

Senator MUNDT. A point of order, as you know, can interrupt anybody's speech, and you were interrupted by the point of order made by Senator Symington. I am talking now.

So we are now in the process—

Senator McCARTHY. Are you talking on the point of order?

Senator MUNDT. We are now in the process of modifying the subpoena so it states in printed form exactly the understanding that was reached by all the members of the committee and by counsel, which we recognize is not now stated in the form of subpoena. So if we keep that in mind, we may shorten the colloquy.

I recognize the Senator from Wisconsin.



Senator SYMINGTON. Could I ask a parliamentary inquiry, Mr. Chairman?

Senator MUNDT. You may.

Senator SYMINGTON. Why was the subpoena issued by counsel, what is the subpoena supposed to say if it is wrong, and what will it take to make it right if it is wrong? One, two, and three.

Senator McCARTHY. Could I finish this, please, Mr. Chairman?

Senator MUNDT. I can't answer the parliamentary inquiry.

Go ahead. I have the new subpoena here which I can read if you would like to have me read it first, Senator McCarthy, to bring the colloquy up to date.

Senator McCARTHY. Senator Symington's No. 1 raises a question which should be answered. The reason the subpoena was issued was because I received a call in my office saying that the Democrat members wanted their counsel to examine our files. I called Mr. Jenkins at that time—if I am wrong in this, Ray, tell me—and I told him I would not allow that in view of Senator McClellan's statement that the names of informants would be made public, and apparently my Democrat friends thought they should be prosecuted for giving the information if some clerk somewhere in Government stamps the stuff secret, confidential, or restricted.

I told Mr. Jenkins they would not have access to the files, but if they would issue a subpoena setting forth what was needed they could have that, that as far as the chairman was concerned he certainly had access to the files, and Mr. Jenkins did.

I had the subpoena served on me when I was having lunch this noon. I told the young man who served it—I believe he tried to serve it on Mr. Cohn first, and I said I would take the subpoena—told him I would not honor this subpoena if it was to include the names of informants, if it were to go beyond the scope of this investigation.

I then went to the office of Senator Mundt and talked there to the Senator about this, and he and I both agreed, I believe, that when the subpoena calls for all the files actually all that is properly admissible are the parts of the files produced by Dave Schine. I told the chairman we would produce those.

However, Mr. Chairman, I think that today we do have a very important question, and I think the record should be clear so that we do not establish a precedent which will be cited later if and when someone tries to subpoena the confidential files of an investigating committee, because if you could subpoena all of their files at will you would destroy every investigating committee.

In this connection, Mr. Chairman, I note the statement issued today by the Attorney General. May I say I want no argument with Herb Brownell. The last time I met him I had a very pleasant meeting. I have quite a bit of respect for him. I am confused, however, by some of the statements being issued. For example, if I may quote from one of the press stories—I am having considerable trouble with this UP story—to the effect that the executive branch of the Government has the sole and fundamental responsibility for enforcement of laws and the President's orders are drafted to protect the security of our Nation.

May I say, Mr. Chairman, that I agree with that, that the executive branch has the responsibility to enforce the laws. However, under the



Reorganization Act, if the Chair will bear with me for a minute, under the Reorganization Act, we tried to clear up this contest as to what information the American people could get. Under that there is set up the Government Operations Committee. The job of that committee was spelled out in detail. It was to investigate graft, corruption, dishonesty, inefficiency, in Government. That is, in the executive branch.

I am disturbed to find that my friends in the executive branch feel that this duty we have to expose what they are doing, that this duty is interpreted by them to mean that we are trying to tell them what to do. That is strictly not true. I will take, if I may, another minute or two.

In the Alger Hiss case, in which the chairman was to a great extent responsible for seeing that a traitor was sent to jail, if people in the executive had followed the admonition that was laid out this morning, if a man from the State Department or some part of the executive had not rapped on the door of the chairman at around 2:30 in the morning and given him information, Mr. Hiss might well now be an Assistant Secretary of State. I want to make it clear, Mr. Chairman, insofar as subpoenas are concerned, my staff is ordered not to produce any material from the files under any circumstances until I have been consulted, that any subpoenas served upon them be served upon me. I may say, Mr. Chairman, that any information in the files having to do with this controversy will be available to the chairman, will be available to all the members of the committee.

However, Mr. Chairman, I do have a very serious problem, and I would like to take it up at the earliest possible moment next week with our investigating committee, a very serious problem, as to just what I can do now in view of the position my Democrat friends have taken, that is that they think apparently the criminals are those that give us information about crime rather than the guilty party.

Up until this point, I have taken the position that all of my files were wide open to all members of the committee. However, I have a heavy duty to the people who give us information. If we didn't get information from loyal Government employees who respect their—if I may read one sentence from it, the oath of our Federal employees, that they will defend the United States against all enemies, foreign and domestic, and that they take this obligation freely without any mental reservations—I may say, Mr. Chairman, that I have instructed a vast number of those employees that they were dutybound to give me information even though some little bureaucrat had stamped it secret to protect himself.

If I am wrong, I would like to get the committee's advice on that. I still advise all of those employees that anything they have given me in confidence will be treated in confidence. The question is just what I can do not—as I say, I am very much confused by this—by way of giving my Democrat colleagues all the information they should get, and at the same time not giving my Democrat friends any information which will allow them to do what Senator McClellan suggested be done the other day, namely, send to jail those who give us information.

As one final word—and I know you are getting uneasy, Senator Jackson, I will yield to you in 1 minute here—as 1 final word, Mr. Chairman—

Senator MUNDT. May the Chair say he agreed with the Senator from Wisconsin to adjourn a little early this afternoon, which he cannot do if we cannot examine the witness.

Senator McCARTHY. Mr. Chairman, this is far more important than examining the witness. Mr. Cohn said he would be available any day of the week here, at all times. On this question of what we can do with the files, I know there will be attempts, as there were this noon, unknown to the Chair, to get files which will give the names of informants.

I merely want to serve notice now, Mr. Chairman, that while I will give my Democratic colleagues every piece of information which I possibly can, that their positions, taken yesterday that they want to send to jail a chairman of a committee, and I am not worried about that, a chairman of a committee who dares to fulfill his oath, and the good loyal people in Government who give me information, puts me in a position of having to refuse my Democrat friends here any information which will disclose the names of informants, period.

Senator MUNDT. May the Chair say first of all, in response to the parliamentary inquiry raised by Senator Symington, and in response to the statement made by Senator McCarthy, that there was no collusion, I am sure, on the part of any members of this committee, Democrat or otherwise, in connection with this subpoena, from the standpoint of the information and the informants being given out publicly. The Chair has stated that he was advised on the telephone by counsel as to what was wanted. He read the subpoena, which, I say, was broader than it was intended to be. He said it should be issued with that understanding.

Unfortunately, the man who issued the service, didn't have that information in mind. We now have a subpoena which does exactly what was desired by the members of the committee. I think it does everything that any member of the committee wants, and the Chair proposes to read it. I think this will be a solution to this particular situation.

It is to the Senate Investigations Subcommittee of the Committee on Government Operations, and to Mr. Roy M. Cohn:

Pursuant to lawful authority, you are hereby commanded to appear before the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations of the Senate of the United States, and forthwith, to bring to 249 Senate Office Building, the following material, that you produce all memoranda, data, or documents, dictated or prepared by G. David Schine, and all memoranda or data prepared by other persons from information furnished by said Schine, that are contained in files of the subcommittee except memoranda disclosing names of informants.

We now have brought the affidavit directly into harmony with the instructions that the Chair received and the understanding that he believes the committee members had in mind when they asked for the subpoena.

Senator Jackson?

Senator JACKSON. Mr. Chairman, I merely want to make this brief point. He wants the subpoena.

I don't know that I am authorized to serve it on you.

Senator McCARTHY. I will accept service. [Laughter.]

Senator JACKSON. Mr. Chairman, I regret that all of this time is being taken up on a matter that does not relate to the matter immediately before us. However, when certain statements are made, of necessity one cannot stand idly by lest it be construed as acquiescence.

First of all, I have not said that the Chairman has violated the law. I don't know. That is not my job. That is the responsibility of the people of the executive branch. But I want to say this, that the Attorney General of the United States, and the head of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, has said that it is a violation of the law for an employee of the Government, entrusted with the classified secret information, to give it to one not entitled to the same.

That is a clearent statement by the Attorney General, and the head of the Federal Bureau of Investigation, and I am not going to be a party to any proposition which would encourage employees in the Federal Government to turn over classified documents to people not entitled to receive the same under the law of the land.

I do not believe that you can have any kind of security system in the United States if we are going to place a subjective test on whether an individual can determine whether a certain document can be turned over to one not entitled to the same.

I think that is as clear as anything can be, and I assume that is the position taken by the President. It is an entirely different matter for an employee of the Government, or for any citizen, to give information which is not illegal to give, which will help ferret out any of these things that we have been talking about. They are two entirely different matters.

I hope, Mr. Chairman, that we can get back on to the subject matter.

Senator MUNDT. I hope we can, but the Chair has agreed to recognize Senator Symington briefly, and then I hope we can get back on the subject.

Senator SYMINGTON. Mr. Chairman, first I would like to associate myself with my distinguished, brilliant, young colleague from the State of Washington. It is hard for me to follow some of the things that were said by the Senator from Wisconsin, but I, to the best of my ability, will try to answer some of the statements he made with respect to our feelings and very briefly give my opinion.

First, I do not agree that I said anything about jailing the Chairman, and in general I would say, with sincerity and respect, that the fact that the Senator from Wisconsin states that my position is such, and my position is such, does not necessarily make it a fact.

Secondly, I would hope that from now on we never again say, based on the issues that we are discussing at this time, that all we are talking about is the shining of Private Schine's shoes.

Third, I would like to say that it seems to me that the opinion of the leading lawyer in the Government, even though I am of a different party, is something which all Americans must give consideration to. To the best of my recollection, he was appointed by President Eisenhower and was unanimously confirmed by the Senate. I may be wrong in the latter, but I don't remember any major difference.

Last, based on, even as late as today, a press conference with the President, it is now clear that he and the junior Senator from Wisconsin are not in agreement.

The next point that I would like to make. Mr. Chairman, is that one of the reasons we left this committee, we Democrats, was because it was a committee which we felt had one-man rule. We came back on the committee with the understanding that a majority of the members



of the committee could make the decisions. Therefore, I was both surprised and disappointed to hear the Chairman say that on his own, without any committee vote, he had decided—and I might add, therefore, without any authority—he had decided to withhold the relatively simple request that was made by our distinguished counsel with respect to these files.

I would suggest to the Chairman of this committee, Senator Mundt, that we vote. We have one Republican missing and we have one Democrat missing. It seems to me the issue is a very clear one. Do we follow the concept of the President of the United States and the Attorney General of the United States as to what should or should not be done in this matter, or do we follow the opinion of the junior Senator from Wisconsin?

Therefore, Mr. Chairman, I recommend—and I would like the attention of the Chair. I would appreciate the attention of the Chair.

Senator MUNDT. I am torn between the demands of the 2 Democratic members at the moment, 1 whispering in my ear and 1 talking in the microphone.

Senator SYMINGTON. I can't imagine a more fortunate situation.

Senator MUNDT. I can think of many, many happier situations to be in.

Senator SYMINGTON. May I get back to my motion, Mr. Chairman.

I would like to propose now that this committee vote as to whether or not the counsel of this committee, Mr. Jenkins subpoena, approved by the chairman, be honored or not be honored. We can decide then how our Republican colleagues feel and how our Democratic colleagues feel, and in that way we can decide whether we are going to get the files with respect to Mr. Schine or whether we are not.

Senator MCCARTHY. Mr. Chairman?

Senator POTTER. Mr. Chairman?

Senator SYMINGTON. Is this a substitute motion?

Senator MUNDT. Senator Potter?

Senator MCCARTHY. Could I have one minute, Charlie?

Senator MUNDT. Senator McCarthy?

Senator MCCARTHY. No. 1, I wonder if all the lights don't confuse my good friend from Missouri, Senator Symington. We have agreed while he was sitting here that the subpoena which is now issued should be honored. This only calls for material produced by Dave Schine. The original subpoena called for all the files. This subpoena very wisely—and I want to compliment the chairman for his good judgment—provides that there will not be produced anything which would disclose the names of any informant. The Chair and I talked about that during the noon hour. We agreed that this would be available. When the Senator from Missouri makes his motion, I am sure he is not making it with the idea that he can accuse anyone; I am sure he was busy talking to someone, or something, when we made it very clear that there is no question about the production of this material. What we are talking about now is the production of other material.

May I say in answer to Senator Jackson—he says that J. Edgar Hoover—it is odd how J. Edgar Hoover is used as a shield for some of our friends—that J. Edgar Hoover said it would be a violation of law to give information to unauthorized people.



Of course that is true. But Senator Jackson knows that the chairman of a committee, a committee set up under the Reorganization Act to get all the information from the executive, is not an unauthorized person.

Let me finish, if I may.

I don't think we should bandy it about this way. Senator McClellan talked about the indiscriminate handing out of information. We are not talking about that. We are talking about Federal employees giving the chairman of a committee, which has been set up to investigate the executive—that was made very clear in the Reorganization Act—that chairman getting information.

I certainly hope, Senator Jackson, that at some time, perhaps not under television lights, but sometime my Democrat friends will agree with me that we do have the job of exposing graft, corruption, and communism. I hope my Democrat friends will finally, at long last, agree with me that we should not try to punish the loyal Federal employees who say, "I will not protect any crookedness, any dishonesty in government, merely because my boss or someone else takes a 'Secret' stamp and stamps it on a document." If we can do that, I think we can perform a great service.

May I say, Mr. Chairman, the reason I have taken so much time on this is because I do want to make it very, very clear to all of the Federal employees, as I have said before, that there is no power on earth which will force me to disclose the names of individuals who are respecting their oath, their oath to defend this United States against all enemies, foreign and domestic, and giving the head of a committee information.

May I strongly urge my Democrat friends—and let me make it clear I know they don't love Communists any more than you do—may I strongly urge that they think this matter over over the weekend and see if we cannot sort of join forces here and have a committee that can get the information it needs and maybe we can also persuade the Attorney General—I hope so, because I think he is an honest man—persuade him that where he does have the duty to enforce the law, that we have the duty to expose any failure to enforce the law.

I would like in closing to call his attention to the situation back in 1924—I am sure the Senators will remember—when we had the Attorney General involved in a dishonest situation. He advised the President at that time—may I have the Chair's attention?—he advised the President at that time, the Attorney General who was involved in this crooked deal advised the President to issue a secrecy rule which was almost identical to the one that was issued last, I believe it was the 17th of May.

We had a man then who, instead of following the advice of his Attorney General, said, "Mr. Attorney General, you are out. We won't take your advice."

It ended up with all Cabinet members freely testifying, people went to jail. If we had the same rule in 1924 that we have now, you would have had a complete coverup.

May I again make it clear I am not suggesting that Attorney General Brownell resign or anything like that. I am inclined to think that at that meeting on the 21st at which there was set in motion the machinery to try to smear this young man over here who has done

I think more than any man I know to combat the Communist conspiracy—when there was set in motion the smear against him I have good reason to believe that Brownell was not a part of that conspiracy. I just hope that maybe at some time we can get the evidence and find out who in that meeting opposed what was done and who set in motion the planned smear.

Senator MUNDT. The Chair has agreed to recognize Senator Potter next, because he has not spoken yet. But before doing that, may I say to Senator Potter and all the rest of my colleagues, that this has been going on now for something over 30 minutes and really we have no issue before us. Let's get the focus of the picture first.

Senator JACKSON. We didn't open this up.

Senator SYMINGTON. We didn't open it up, now.

Senator MUNDT. The Chair has the floor. There is at the moment a subpoena which has been served and accepted, to produce the material that we all desire. The Chair has made it clear that in the issuance of the earlier subpoena, which he has since recalled, the same intent was there. The language was faulty but he conveyed the intent over the phone, apparently not to the satisfaction of the Senator from Wisconsin. The intent of the two of them are identical. We are going to get the material. Now, Senator Potter.

Senator POTTER. Mr. Chairman, Senator Dworshak and myself have felt a little lonely down at the end of the table. I would like to comment. We have seen a lot of queer and unusual things take place in this hearing during the past twenty-some days. I think this will probably go down in history as the first time that a committee of Congress has ever subpoenaed itself against its own records.

Senator JACKSON. It is being done because of a refusal. How else can you get them?

Mr. COHN. Sir, if I might say this, Senator Mundt, there was no refusal. Without any service of a subpoena, I promised the committee this morning the material requested would be produced, and it will be produced, sir.

Senator MUNDT. Now, Senator Jackson, if you want to be recognized again, I think we will have to recognize you. But one at a time. If we are going to debate this thing, we better debate it in order. Senator Jackson has the floor. May the Chair again urge that we finish this as soon as possible?

Senator JACKSON. Two brief points. I didn't raise or open this point that Senator McCarthy brought into the discussion today, but I merely want to say, again, that I am not going to be a party to a proposition, where a clerk, whether it be in the FBI, can give classified information to anyone contrary to the instructions of the head of the agency. If Mr. Hoover says no one is to give this out, do you mean to say that a clerk, a stenographer or employee, in that agency can give out classified information?

Obviously, if we are going to have that kind of security system, the FBI would be in shambles, the whole Federal Government would be in shambles, the Atomic Energy Commission wouldn't be able to operate.

Mr. Chairman, I don't think there is any need for a subpoena in this case. Under the rules of this committee, every member is entitled to all information in the files.

The chairman, I mean the chairman of the full committee, Senator McCarthy, has stated time and time again in these hearings, since we started, that we all have access to these files. Now, Senator McCarthy cannot change the rules of the committee, I don't think, not, at least, with my acquiescence, by a pronouncement here that they are not going to allow the Democratic members of this committee to have this information. What kind of a Government do we have?

Senator McCARTHY. Would the Senator yield for one second?

Senator JACKSON. No. Let me finish this brief statement.

Now, without conceding anything, with reference to his right to withhold this information, to which I believe we are entitled as members of the committee under existing rules, and there has been no change to my knowledge of the rules, to date, other than some unilateral statements, I would say, Mr. Chairman, that the last part of the subpoena, "except memoranda disclosing names of informants," that such memoranda should be turned over to you, and I am sure that would be an amicable arrangement with Chairman Mundt and Senator McCarthy, but I am not going to concede that we are not entitled to it. But for the sake of expediting action on this, I think any memoranda that Mr. Schine has prepared regarding informants ought to be turned over to the chairman so we know that he has actually written out such memoranda without the committee members going over the names of such individuals. We are not interested in names. All we are interested in here is whether he has written such memoranda.

Now, I think that should settle that part of it. I don't think there should be any dispute on that point, if you have a record of it.

Senator SYMINGTON. Mr. Chairman?

Senator McCARTHY. Will you yield for a minute, Scoop?

Senator JACKSON. And I think before yielding, I just want to do this: I think with reference to the requirement for a subpoena, that the counsel to the committee, Mr. Ray Jenkins, can satisfactorily explain that. I would like to yield on that point.

Senator McCARTHY. Would the Senator yield to me for a minute?

Senator SYMINGTON. I think I have the floor now, Mr. Chairman.

Senator MUNDT. The Chair has not recognized anybody. The Chair will recognize somebody as soon as he determines whether or not Senator Jackson is going to yield to the counsel or to Senator McCarthy.

Senator McCARTHY. Will you yield to me for a minute so I can answer what you brought up?

Senator JACKSON. On the basis of allocation of time, may I yield to Senator Symington?

Senator MUNDT. Senator Symington.

Senator SYMINGTON. I thank the Chair.

The reason the subpoena was issued, Senator Potter, was because the counsel for the committee stated that Senator McCarthy stated he would not give the records to the committee unless a subpoena was issued. That is point 1. Point 2 is regardless of what the opinion of any member of this committee is, in my opinion a majority of this committee has a right to see anything that the committee has.

On the third point, we had pretty good success when we said that we would take the matter of Mr. Carr to the Senate floor, if he did not testify, and therefore, I want to state right now that if the members of this committee cannot see the records of this committee, we



will take that to the Senate floor, too, and see what the Senate thinks about this.

Finally, it is a straight difference of opinion here, between President Eisenhower and the Attorney General, and the junior Senator from Wisconsin. I want to say very frankly, and without being argumentative about it, that in my opinion if the Senator from Wisconsin is right, we haven't got a good government, we haven't got a poor government, we just won't have any government at all.

Finally, I am getting a little astonished at the amount of defense that this administration gets from the Democratic members of the committee and the abysmal silence on my right.

Senator DWORSHAK. Mr. Chairman?

Senator McCARTHY. Mr. Chairman, a point of personal privilege.

Senator MUNDT. May the Chair say that that was a rollcall. It will have to be brief on personal privilege. Senator McCarthy?

Senator McCARTHY. Mr. Chairman, may I say that Senator Symington, and I am sure it is not because he is trying to deceive the people, apparently he is confused—don't interrupt me, please, Senator—he has again misstated the facts. There is no attempt on the part of the Senator from Wisconsin to deny this committee any information which the Chair wants. The Chair knows that I told him that our files are wide open to him. The Chair does know, however, that I have stated and I will continue to state, that my Democrat colleagues will not get the names of the loyal Government employees who give us the evidence of treason that has been growing over the past 20 or 21 years, because he will not, I will not give those names to them when they say that "Our function in coming back on the committee is not to expose and prosecute Communists"—Senator, would you like to hear this, it is about you—that they in effect say, "Our function is not to expose Communists"—

Senator SYMINGTON. I have always listened to what Senator McCarthy has to say. You asked me and I will answer you. You don't have to have everybody looking at you all the time you are talking.

Senator McCARTHY. The point is well taken.

Senator MUNDT. The Chair suggests that the Senator conclude now in about 30 seconds. We have to go to a rollcall vote and when we return, I do hope we can get on with the business of the day.

Senator McCARTHY. We will make it 15 seconds. I thought when my Democrat colleagues were coming back on the committee, they were coming back for the purpose of helping me dig out Communists and corruption. Why they are afraid to help me do that I don't know. Until they reverse their stands and agree with me on individuals who gave us information that we need as a committee, until they do that, they will not get the names of any informants. I understand we are voting now, Mr. Chairman.

Senator SYMINGTON. Mr. Chairman, I want to rise to a point of personal privilege. Senator McCarthy can say anything in the world about me that he wants. But, again, I ask him not to talk about my beloved colleague, the senior Senator from Arkansas in this fashion on the only day that the Senator has missed these hearings. I am not going to say another word.

Senator MUNDT. We will stand in recess. When we resume, I hope the interrogatories and not the colloquies will continue. We will have a 10-minute recess.

(Brief recess.)



Senator MUNDT. The committee will please come to order.

The rollcall vote in the Senate having been completed, the committee will reconvene. The audience knows of the admonition of the Chair.

Mr. Jenkins, our counsel, will start interrogating the witness. Mr. Cohn is on the stand.

Mr. Jenkins?

Senator POTTER. Mr. Chairman?

Senator MUNDT. Senator Potter.

Senator POTTER. Mr. Chairman, before we left to vote, Senator Symington made a statement that the Republican members of the committee had been strangely silent. I would like to say this to my good friend from Missouri: that the Republican members on this committee are here to ascertain the facts and not make political speeches. We have an able counsel who has been directing his questions to the witness. The television camera, I assume, has been on you about two-thirds of the time.

I would like to say this: I have a great respect for the man who sits in the White House, President Eisenhower. I think the other members of the committee respect him likewise. He is a great administrator and a great American. It ill behooves a man who has been campaigning for the things that the President has stood for to tell us what we should do and how we should run our party.

I would like to say further that the Senator from Missouri stated that we would have no Government if this continued. Thank God we live in a country where the people's representatives can watch the executive branch of the Government. Our Government is a triparty government. We are the people's representatives. I am the first to admit that the investigating committees of Congress sometimes step out of line. When we do, we get our toes stomped on, as we should.

But by the same token, I think many times the executive branch of the Government oversteps its responsibilities and authority. When it does, the Congress has seen fit to pass laws to create a committee such as this.

I respectfully submit that this committee is operating as a legitimate arm of the Congress, and I resent, not only as a Republican but as a Member of the Senate, any slur that we, as Republicans, are letting down the President. The President is a great man, and I for one hope that he is in power for at least 8 years.

Senator MUNDT. The Chair does hope now we can get on with the business.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. I know the temptation is great to talk on and on, but I wish we could get on.

Senator SYMINGTON. I listened to my friend and colleague, the distinguished junior Senator from Michigan, with a great deal of respect. I think he knows that there is nobody in the Senate for whom I have more affection and respect.

Senator MUNDT. Mr. Jenkins, will you proceed with the interrogatories, please?

Mr. JENKINS. Mr. Chairman, before doing so, I would like to contribute to this time-consuming discussion for the purpose of clarification.

I publicly take full responsibility for the issuance of the subpoena which was served on the Senator from Wisconsin at noon. It was served for this reason: Prior to the noon recess, I was cross-examining Mr. Cohn with respect to the character of work that had been done by Mr. Schine, both before and after his induction into the Army, and particularly with reference to the character of the work he had done while on leaves of absence. I wanted a record which would reflect, if possible, the extent of the work that was done by Mr. Schine officially.

I called Mr. Cohn during the lunch hour. I told him that I was with the members of my staff; that in addition thereto, I had with me the attorney for the three Democratic members of this committee; that the four of us wanted to come to his office and examine those records. Mr. Cohn replied that he desired to discuss that matter with the Senator from Wisconsin. He no doubt did so, whereupon the Senator from Wisconsin called me and stated that the records would not be made available except by subpoena; that if they were subpoenaed they would be made available.

Pursuant to that, a subpoena was requested and was issued by the chairman.

I confess that it was too broad in its scope. We now have a new and different one which has been issued and which has been accepted by the Senator from Wisconsin, which clearly defines precisely what we want. And I trust, Mr. Chairman, that once and for all and finally that settles the question of the subpoena.

Now, Mr. Cohn——

Senator MUNDT. I hope so. Proceed.

Senator JACKSON. Just one point. I want to make it clear——

Senator MUNDT. Senator Jackson.

Senator JACKSON. That based on the rules of the committee, all members of the committee are entitled to this information and I don't think for one moment that it should be construed from the subpoena that we are not entitled to that as members of the committee.

I do say that the latter part of the subpoena, Mr. Chairman, which excludes memoranda relating to informants or information that Mr. Schine may have worked on, is not acceptable on our side for the reason that we are entitled to that information, and while I am not asking for the names of informants, I do think that you as chairman and the counsel should have the information as to whether or not in fact such memoranda exists as a result of the efforts of Mr. Schine.

Senator MUNDT. May the Chair say that the Senator from Wisconsin told him at noon that that information would be made available to counsel and to the Chair without a subpoena, all the names of the informants, and the Chair said he would be glad to receive it and report on the number of memoranda, but he did not expect to be a vehicle for conveying the names of informants.

Senator JACKSON. Why don't we cancel the subpoena and agree that this information be made available?

Senator MUNDT. That is perfectly all right with the Chair.

Proceed with the interrogatories.

Mr. COHN. Senator Mundt, I might say, sir, that with respect to this entire discussion, I understood that this morning I was directed to produce these very things. No subpoena at all was necessary, of any kind. I am prepared to obey that direction and I will do that.

Senator MUNDT. We will assume that on the subpoena there was a slight misunderstanding, but it at least provoked a very inviting debate.

Senator JACKSON. Mr. Chairman, that information can be subpoenaed without the subpoena?

Senator MUNDT. The information will be obtained and the confidential informants' names will be delivered to the Chair whose lips will remain sealed. He will not reveal the informants.

Mr. WELCH. Mr. Chairman, this is not a political speech, I have no political ambitions. I do wish Mr. Jenkins to ask a question. Before adjournment, Mr. Jenkins would you be good enough to ascertain from this witness, if he can be good enough to give the names of the stenographers and secretaries who took the Schine dictation?

Mr. JENKINS. Will you do that?

Mr. COHN. As Mr. Welch knows, I have not testified that Mr. Schine dictated anything to the stenographers in Washington. We have no stenographers in New York; they are all in Washington. Mr. Schine was not in Washington once, that I know of, during the entire time he was at Fort Dix. No such thing as Mr. Welch asks for exists. I am sure he knew that. If he would like the names of the stenographers in our office, I imagine those are a matter of record and we would like to do that. I might say, sir, if I am ever given the chance, we will supply to the committee all documents, memoranda, reports, and any other information worked on by Dave Schine since he came to the committee which might be of interest to the committee and Mr. Welch.

Mr. JENKINS. Both before and after November 3?

Mr. COHN?

Mr. COHN. Yes, sir; we will give you everything.

Mr. JENKINS. As we understand it, that will be made available if physically possible to this committee not later than next Tuesday morning?

Mr. COHN. Yes, sir.

Mr. JENKINS. And if there are any secretaries or stenographers that Mr. Schine gave any dictation whatsoever, their names will likewise be available?

Mr. COHN. Yes, sir.

Senator MUNDT. Mr. Welch that seemed to answer your question.

Mr. WELCH. I am not interested in documents that Mr. Schine may have worked on, in the sense of looked at, read, or thought of. I want his work product, the dictation that he produced, and I want Mr. Cohn to understand that is what I am after.

Mr. JENKINS. I think Mr. Welch, that has been made perfectly clear to Mr. Cohn.

It has, has it not?

Mr. COHN. Sir, the only thing—I am going to go through the files and give you everything that we have that Dave Schine worked on or had anything to do with, with the exceptions of the names of the confidential informants.

Mr. JENKINS. The chairman has made a statement about that. Let's proceed, if we may.

Mr. COHN. I have already testified to much length about the work that he did, and the fact that he participated in the writing of these reports. I have furnished to Mr. Welch the reports which he par-



ticipated in writing, and if Mr. Welch is interested in this point, I would be very glad to state under my oath here, that when Mr. Schine, after his training, was out to work on committee business, that, to my knowledge, he was working on committee business, did work on these reports, did confer with the staff members of this committee on committee business, was not in Florida, or anything else. That is the fact, that Mr. Welch has my sworn testimony, and, of course, at the right time, I will be opened to cross-examination from him about that.

Mr. JENKINS. And on Tuesday morning next you will furnish to this committee all documentary evidence, whatever it may be, which embraces the work of David Schine?

Mr. COHN. I will, sir.

Mr. JENKINS. Mr. Cohn, we have now settled, and I think and I hope, once and for all the question of the issuance of the subpoena and the question of whether or not the junior Senator from Wisconsin will or will not go to jail, and at the noon hour you and I had completed our cross-examination with respect to the occurrences of October 20, at Fort Monmouth, is that correct?

Mr. COHN. I have forgotten even just what we ended on, sir, but I believe that was it.

Mr. JENKINS. Do you recall the testimony, Mr. Cohn, of Mr. Adams to the effect that between October 20 and November 1, you and he had several telephone conversations with respect to special assignments for David Schine?

Mr. COHN. I don't recall the words "special assignments," sir. If you say that, I—

Mr. JENKINS. Well, with respect to G. David Schine. Do you recall Mr. Adams' testimony?

Mr. COHN. No doubt, sir.

Mr. JENKINS. That covers a 10-day period.

Mr. COHN. Yes, sir.

Mr. JENKINS. I would like to read to you, Mr. Cohn, what he says about that.

Mr. COHN. Surely.

Mr. JENKINS (reading):

I have checked my notes.

This is the testimony of Mr. Adams on page 2522 of the record.

There were regular telephone calls, 2 or 3 a day. I can't say every day there were 2 or 3, but I was in telephone contact quite regularly with Mr. Cohn who spent most of his time in New York, and with Mr. Carr who spent most of his time in Washington.

Do you mean subsequent to October 20?

That is correct, sir.

Then, continuing:

What I am trying to tell you, Mr. Jenkins, is that between October 20 and November 1, I had numerous conversations. I cannot precisely state in which of these conversations the subject of Mr. Schine and his treatment was discussed, but it was discussed during that period.

Is that correct, Mr. Cohn?

Mr. COHN. That there was discussion about Schine?

Mr. JENKINS. Yes, and the treatment of Mr. Schine.

Mr. COHN. As best I recall, Mr. Jenkins, I actually don't recall any specific conversation with Mr. Adams. I know that during that period of time there was discussion about Schine being on temporary



duty for 2 weeks or a longer time, in order to complete his committee work and do some work on these reports. I certainly might have discussed that with Mr. Adams.

Mr. JENKINS. The time was then drawing near when Dave Schine was going into the Army, wasn't it?

Mr. COHN. Yes, sir. He was to enter in November.

Mr. JENKINS. It was then known by you and to the Senator, no doubt, and to the members of his staff, that he would be inducted on November 3; is that correct?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, I will ask you if it isn't a fact that you requested that he be given a 2 week leave of absence?

Mr. COHN. Sir, what I did was this: I talked, I believe, my recollection is, with Mr. Stevens rather than Mr. Adams. We had been discussing this matter on a number of previous occasions, and I believe, sir, that I did discuss with Mr. Stevens the question of what arrangement could be made for Schine to finish up his work and to turn over certain information and work on these reports. An arrangement was worked out whereby he would go in the Army and then get 2 weeks' temporary duty in order to do some of these things.

Mr. JENKINS. That is, he would be sworn in—

Mr. COHN. Yes, sir.

Mr. JENKINS. But not physically go in?

Mr. COHN. That is correct.

Mr. JENKINS. And spend the first 2 weeks of his tenure in the office, out of the Army?

Mr. COHN. That is about right.

Mr. JENKINS. That is what you wanted?

Mr. COHN. Yes, sir.

Mr. JENKINS. Now, Mr. Cohn, wasn't that a rather unusual request, that this boy here, out of the millions of privates in the Army who have come and gone and who are now in the Army, that this one young man would be taken somewhere and put through the formality of an oath, and then instead of putting on the uniform and being given the training which is ordinarily given the millions of other privates during that first 2 weeks, this boy, of all boys, be allowed a 2 week furlough which you say you requested for the purposes you say you requested it—didn't you consider that, Mr. Cohn, especially in the light of all these previous requests that you had made in his behalf, and which, as I understand, you have admitted here, as being rather unusual?

Mr. COHN. Sir, I saw nothing unusual or improper, and if there were, I am sure Mr. Stevens would not have done it, and he did do it.

Mr. JENKINS. Don't you know, as a matter of fact, Senator McCarthy, your superior, for whom you were working, went to the Secretary or to Mr. Adams, or both, and said "Don't do it. This boy will be seen on the streets of New York, and it is known by the public and the press that he is an inductee, and don't give him this 2 weeks' leave of absence"?

Mr. COHN. It didn't happen quite that way.

Mr. JENKINS. How did it happen, Mr. Cohn?

Mr. COHN. It happened in this way, sir: I talked with Mr. Stevens about the problem over the telephone. Mr. Stevens told me that the way to work it out was by this 2 weeks' temporary duty. I think he

went into some detail about that. I told him that I would have to check with Chairman McCarthy and see if that arrangement was agreeable with him.

I talked to Senator McCarthy, and he said that it sounded all right. I think I then called back Mr. Stevens and said that the Senator said he thinks it is all right.

The arrangement was put into effect by Mr. Stevens. Senator McCarthy had been away. When he came back he said, as you put it, Mr. Jenkins, that there probably would be criticism, I think he said, from the hostile press if, after Schine was inducted, he was not in uniform and down at the post and was still working with the committee for this 2-week period.

Senator McCarthy sent for Schine—I think he spoke to him after a hearing—and asked him whether or not he would be willing to do this work after hours and over weekends after training, and go right in, and put in the extra work after hours instead of recreation and other things, and thereby eliminate the need for this 2 weeks, and it probably would have turned into more than 2 weeks' temporary duty.

Schine said that he was perfectly willing to do that; that he would do the training and the work at the same time.

Senator McCarthy then communicated with Mr. Adams or I communicated with Mr. Adams—I don't recall—and said that Mr. Schine was willing to do this work after hours, and there would be no need for this 2 weeks or more of temporary duty.

Mr. JENKINS. But you had requested it initially, had you not?

Mr. COHN. Sir—

Mr. JENKINS. You can answer that yes or no. Mr. Cohn.

Mr. COHN. I can answer it in this way, Mr. Jenkins: There was this problem, there was a question of how it could be worked out, how he could be given the time to finish it. This idea evolved. I don't know whether originally it was my idea or whether I explained the situation and Mr. Stevens came back to me and said this is the way it can be done according to regulations. I don't recall that. I don't quarrel about it one way or the other. I will be glad to say—

Mr. JENKINS. The truth of the matter is you wanted him to spend his first 2 weeks in the Army out of the Army, did you not?

Mr. COHN. No, sir. The truth of the matter is that there was this problem of finishing the subcommittee work and Mr. Stevens stated that one way of arranging for that would be by giving him temporary duty after his induction. I am sure, sir, there could have been nothing wrong with it or Mr. Stevens wouldn't have done it, and he did do it.

Mr. JENKINS. And at your request?

Mr. COHN. Pardon me, sir?

Mr. JENKINS. At your request?

Mr. COHN. Yes. I explained the situation.

Mr. JENKINS. To put it another way, you did not want Dave Schine at Fort Dix the first 2 weeks of his Army tour, did you?

Mr. COHN. I didn't care where he was. It was a question of getting this work done.

Mr. JENKINS. You wanted a furlough for him?

Mr. COHN. No; it was a question of getting this work done.

Mr. JENKINS. I know it was a question of getting his work done. I am not asking you why you wanted furlough now but you wanted a furlough for him the first 2 weeks of his Army tour, didn't you?

Mr. COHN. That was one arrangement that was discussed. I certainly will not quarrel with you about that.

Mr. JENKINS. All right. I will ask you if you didn't ask the Secretary for another arrangement in the alternative at that time.

Mr. COHN. At that time, sir?

Mr. JENKINS. Yes. This CIA assignment.

Mr. COHN. No. The CIA thing was discussed long before that, sir.

Mr. JENKINS. Very well. I want to read to you from the testimony of Mr. Adams at page 2529:

I am quite sure it was not a telephone call, but Senator McCarthy said to me he did not feel this temporary duty for Schine was a good thing, that he felt that people, members of the press, who might be critical, hostile with him, or critical of Schine or Mr. Cohn or this committee, might consider that it was a form of preferential treatment and he would prefer, and he asked if I would arrange to have the temporary duty cancelled.

Did you know that Senator McCarthy did that?

Mr. COHN. Yes, sir. After he talked with Schine, as I have described it, and Schine agreed to do the work after hours, Senator McCarthy told Mr. Adams that that would be——

Mr. JENKINS. After you requested a 2-week furlough, then Senator McCarthy went over your head, so to speak, and requested that it be cancelled? That is the truth about it, isn't it?

Mr. COHN. No, sir; it is not.

Mr. JENKINS. Not true?

Mr. COHN. No, sir. It did not happen that way. After talking with Mr. Stevens, I told Mr. Stevens that I would have to check with Senator McCarthy from whom I took orders. I called Senator McCarthy. He told me that he thought this temporary duty arrangement would be all right. I called Mr. Stevens back and said that Senator McCarthy said he thought this temporary duty arrangement would be all right. It was put into effect by Mr. Stevens.

Senator McCarthy returned from a trip, reexamined the situation, and decided that he would be—he said first of all the 2 weeks would turn into more than 2 weeks because these reports certainly could not be finished, and that he would be much happier about it if Schine would agree to do this committee work after hours and do his training at the same time.

He first talked to Schine to see if he was agreeable to this. Schine was agreeable and said he would do it, and after that the Senator communicated with Mr. Adams just about as you have stated it there, sir. There was not any question of disagreement. I took my orders from Senator McCarthy on that.

Mr. JENKINS. Very well. Mr. Cohn, isn't it a fact that after Senator McCarthy told the Secretary and/or Mr. Adams what we have just related, that is, about not allowing this boy to be seen on the streets——

Mr. COHN. I don't remember anything about the streets.

Mr. JENKINS. To a hostile press and that sort of thing, didn't you, after that, request that he be given at least the balance of the weekend?

Mr. COHN. No, sir, I think the way that happened was this. There was a discussion right at the time as of when the cancellation of temporary duty should be effective. Mr. Adams said that, "I think some order could go out either canceling it effective immediately, but," he said, "since the weekend is coming up, they probably—I don't know if they take people down on Saturday or Sunday, whatever it was——



we will make it Monday. Is that agreeable?" Or we said Monday, is that agreeable? My recollection is that Senator McCarthy was there.

Mr. JENKINS. May I read to you the testimony of Mr. Adams on that subject? It is very short, and let's see if it is correct:

Subsequent to that time and out of Senator McCarthy's presence, Mr. Cohn, who was aware of this request—

speaking of the request of Senator McCarthy—

stated to me that "as long as it is the middle of the week now," which would have been the 4th of November, "there is no use canceling it and having him report in on Friday morning. There is nothing for him to do, so why don't you just cancel it for him to report it on next Monday morning?"

Mr. Cohn, you remember making such a request of Mr. Adams, don't you?

Mr. COHN. No, sir; I remember there was a discussion between, as I recall it, Mr. Adams, Senator McCarthy, and myself about this, and that is my recollection. I can certainly be wrong about it, and that the date was set at that time. I also remember, sir, that it was said that Private Schine would report on a Monday morning. I think when Mr. Adams drew up the orders, it turned out that he made it a Tuesday morning instead of a Monday morning, and there was a further mixup on that.

Mr. JENKINS. Do you remember a meeting with Mr. Adams at your office at 101, this building, on November 1, Mr. Cohn?

Mr. COHN. On November 1? No, sir.

Mr. JENKINS. On November 1, Senate Office Building, 101.

Mr. COHN. I don't remember. I don't even remember if I was in Washington that date, sir. I would have to check the records on that.

Mr. JENKINS. Do you remember that Mr. Adams stated to you on that occasion that it was in the national—may I read his testimony to you with reference to that matter?

Mr. COHN. Surely, sir.

Mr. JENKINS (reading):

I pointed out to him—

that is, to Mr. Cohn—

that I was 15 years his senior and that although I did not at all presume to be as good a lawyer as he was—I am sure that I am not—that I did feel that there was one field in which I could give him some friendly advice if he would take it.

Do you remember that?

Mr. COHN. No, sir, I don't remember that because it didn't happen.

Mr. JENKINS. "I pointed out to him," you remember him telling you you were a better lawyer than he was, don't you?

Mr. COHN. I think there was constantly an argument between the two of us as to which one was the better lawyer, with my suggestion that he was better representing the interests of Secretary Stevens and with his suggesting that I was better representing the interests of this committee. I don't think either one of us arrived at a conclusion. I am sure Mr. Adams is better.

Mr. JENKINS. Mr. Adams testified to this, "I pointed out to him that the national interests required that Schine be treated just like every other soldier." Do you remember him pointing that out to you, Mr. Cohn?



Mr. COHN. No, sir, and I might say that in my relationship with Mr. Adams there were not any speeches such as that made by him to me.

Mr. JENKINS. Well, whether there was or whether there wasn't, that statement is a good statement, isn't it?

Mr. COHN. It is a very good one, sir.

Mr. JENKINS. That the national interests required that Schine, as well as every other one of the millions of boys that have served before, that are serving now, and that will serve hereafter, be treated precisely alike? You agree with that, don't you?

Mr. COHN. I do, sir.

Mr. JENKINS. But you deny that Adams said that to you?

Mr. COHN. I say that I don't recall on any occasion Mr. Adams making that type of speech to me. Our relationship was not such, and I just don't recall that ever having been said to me.

Mr. JENKINS. And here is Mr. Adams further now, sitting right where you are, a few days ago, page 2533:

Mr. ADAMS. It was the wrong clause to use, because he exploded at that and said if the national interest was the thing we were interested in, he would give us a little bit. He outlined how they would hold a series of hearings and point out to us—he would give us a little national interest if that was what we were interested in.

Mr. COHN. When is this supposed to have happened, sir?

Mr. JENKINS. It is supposed to have happened, Mr. Cohn, on the 1st day of November, in your office, room 101. That is the testimony of John G. Adams. You recall it here on the witness stand?

Mr. COHN. I recall his testimony, sir. I recall no such incident.

Mr. JENKINS. Mr. Cohn, you say you recall no such incident?

Mr. COHN. I do, sir.

Mr. JENKINS. He says you were talking about Dave Schine on November 1st.

Mr. COHN. Yes, sir.

Mr. JENKINS. He says you had called him a number of times between October 20 and November 1st and Dave Schine's name had been discussed.

Mr. COHN. Yes, sir. You say I called him. I think Mr. Adams called me as much or more often than I called him.

Mr. JENKINS. Very well. We will put it that way. You called him and he called you.

Mr. COHN. Yes, sir.

Mr. JENKINS. And that there were a number of calls, he says sometimes 2 or 3 a day.

Mr. COHN. Yes, sir; and very few relating to Schine.

Mr. JENKINS. But some?

Mr. COHN. Yes, sir; that he was discussed.

Mr. JENKINS. Well, Mr. Cohn, in what respect were you discussing Schine between October 20 and November 1 or any other time, if you were not discussing him in relation to some dispensation that you or your staff wanted for him?

Mr. COHN. Sir, we did not consider it a dispensation. There was a matter of committee work that had to be done independently. There was a matter of training that Schine was to do, has done, and will continue to do in the Army. There was a matter of working both of

those things out so that they both could be done without interfering with each other.

We did not regard that, sir, as a preference, and we certainly never asked for anything which we thought was a preference.

MR. JENKINS. But you had known then for more than 3 months that you were going to lose Dave Schine from your staff, you say?

MR. COHN. Yes, sir; that it was probable.

MR. JENKINS. And that he had those 3 months' time within which to impart to your mind the things which he had in his mind and which he had not documented?

MR. COHN. No, sir; it is not quite as simple as that, as I explained before. Without going over all the ground, we had for one thing and probably the most important thing, the question of these reports. In July we tried, we tried very hard to make arrangements to have these reports which are, after all, just about some of the most important products of this committee's work during the year, we tried to have that work turned over from Dave Schine to somebody else. We had reason to believe that that would succeed. It did not succeed. I did not know in July that it would not succeed. I did not know that in August. I did not know that in September. There is nothing I could have done about it during that period of time. There are other things which came up. There are things which are still coming up, from time to time. There are matters concerning the Voice of America, new matters, matters relating back to things which he had done which I could not possibly anticipate. It has been necessary for us to call him from time to time.

But he has been doing his Army training, and he has been giving us his information, and we certainly did not use any improper means, such as Mr. Stevens and Mr. Adams suggest, on any of these things, and Mr. Stevens and Mr. Adams never told us that we were. And if we were, I am sure they would not have done any of the things we discussed.

MR. JENKINS. Mr. Cohn, would or not an inordinately large number of telephone calls and personal contacts with respect to this one private, whether or not those conversations were in the friendliest manner or whether they were characterized by heated discussions, if there were say 65 telephone calls——

MR. COHN. I am sure there were more, sir.

MR. JENKINS. There were more?

MR. COHN. I am sure of that.

MR. JENKINS. In which David Schine's name was mentioned?

MR. COHN. Yes, sir.

MR. JENKINS. Then the Secretary of the Army has understated the case in that respect?

MR. COHN. No, sir. I think he is inaccurately stating the case.

MR. JENKINS. Did you say inaccurately?

MR. COHN. Yes, sir.

MR. JENKINS. But you say now that there were more than 65 telephone conversations?

MR. COHN. Sir, I know that there were times during the week when Senator McCarthy would call me or Frank Carr or other staff members and ask about something which Schine knew about, that we would call down to Dix, have Schine call us, tell us about it, call back Senator

McCarthy, or have him call Senator McCarthy directly, and I think if you add up the number of those calls, they would be higher.

Mr. JENKINS. No, I am talking about the calls from the members of your staff and the Secretary of the Army and Mr. Adams. The Secretary of the Army says there are 65 of those.

Mr. COHN. Sir, I didn't understand him to say that. I understood him to say, and I might be wrong about this, that there were 65 calls about Schine, and I thought he was including in that calls that might have been made down to Fort Dix, to the commanding general or some one on his staff, asking that Schine call up someone on the staff or Senator McCarthy to give them some information or answer some question.

There were times, I remember, when we did not even require that Schine would call up. We would simply call down there and say, "Can you get an answer to this question, can you get us this information."

Lieutenant Blount or somebody else would pass along something and then call back and say, "The answer is this," or "Look for it here," or whatever the particular matter happened to be.

Mr. JENKINS. Did you ever try to get a commission for any other private or any other inductee other than Dave Schine?

Mr. COHN. Not that I recall, sir, although I might have been given as a reference, as I was by Mr. Schine, by other persons.

Mr. JENKINS. Did you ever try to get any other private or inductee especially assigned to any given area in the Army?

Mr. COHN. Sir, we never had anybody on our committee staff who had done this work, inducted before. There was no comparable situation.

Mr. JENKINS. That is hardly an answer to my question.

Mr. COHN. My answer to your question is no, sir.

Mr. JENKINS. Is "No"?

Mr. COHN. Yes.

Mr. JENKINS. Do you deny that you and/or other members of the McCarthy staff talked to Secretary Stevens and Mr. Adams, or both of them, a total of 65 times on the telephone with respect to G. David Schine?

Mr. COHN. I am in no position to confirm or deny that, sir. I will say this: If your question is, to Mr. Stevens or Mr. Adams on Schine, I am sure that there were not 65 specific phone calls between us and Stevens and Adams on Schine.

Mr. JENKINS. That is—

Senator McCARTHY. May I interrupt, Mr. Counsel?

Mr. JENKINS. Yes, indeed.

Senator McCARTHY. I may be wrong, but I am inclined to think the figure 65 was used in connection with calls made to Fort Monmouth, not in connection—

Mr. COHN. Fort Dix, sir.

Senator McCARTHY. I mean Fort Dix, and not calls made to Mr. Stevens.

Mr. COHN. I thought that was a composite figure of calls with the Army about Schine. I may be very wrong, Mr. Jenkins. I guess we can check Mr. Stevens' statement. I thought it was a composite figure of calls with the Army, calls and meetings with the Army about Schine. I thought that embraced everything.



Senator McCARTHY. Let's not use the word "composite".

Mr. JENKINS. If the Secretary—we will have his statement to present to you here momentarily, I hope, Mr. Cohn—suppose we defer that question until we do have it.

Mr. COHN. If he says that the calls were between Stevens and Adams and us on Schine, you are right, sir, and I am wrong, and I will apologize. I thought it was—

Mr. JENKINS. You certainly owe me no apology, Mr. Cohn. I am trying to elicit the facts here. But if he says there were 65 telephone calls between his office and your office and its various members with respect to G. David Schine, would you deny that?

Mr. COHN. I would say, sir, before I answer that I would have to know if he means, if he includes in that, calls down to Fort Dix, and there were some, I believe, to Camp Gordon to get information from Schine. If he includes those, I would say the figure is low. If he does not include those, I would say the figure is very high.

Mr. JENKINS. Very high?

Senator McCARTHY. I hate to interrupt you, Mr. Jenkins, but may I say I was listening to the testimony of Mr. Stevens, and if there were only 65 calls made to Dave Schine at Camp Dix, then my office staff was not following my instructions, because I know I asked them much oftener than 65 times to call Dave Schine and get information from him.

Mr. JENKINS. Senator, that was not my question.

Senator MUNDT. That was not a point of order.

Mr. JENKINS. That was not my question. May I read to you—I am now reading from the statement of Secretary Stevens, being the statement that he filed and which was sworn to here:

From mid-July of last year until March 1 of this year, David Schine was discussed between one branch or other of the Department of the Army and Senator McCarthy or members of his staff in more than 65 telephone calls.

Senator McCARTHY. What is that? What is the page?

Mr. JENKINS. Page 142. This is the statement filed—

Mr. COHN. I believe that does conform with what we thought, Mr. Jenkins, that the reference was not to calls between Mr. Stevens and Mr. Adams and us, but included, if I might quote:

calls between one branch or the other of the Department of the Army and Senator McCarthy or members of his staff,

and that, of course, would include calls to Fort Dix and to Camp Gordon. And on that basis I would say, sir, that the figure is probably low.

Mr. JENKINS. But that does not include your calls to Dave Schine, does it?

Mr. COHN. Sir, I don't believe we would call him directly. What we would have to do is call down to Fort Dix to the headquarters there and ask that he call us back. I assume that they were counting a call which we might have made down there asking to have him call us, as a call between us and someone in the Army in which Schine was discussed. I don't quarrel with them in doing that.

Mr. JENKINS. Let's read it again, Mr. Cohn.

From mid-July of last year until March 1 of this year, David Schine was discussed \* \* \*.



If you called Fort Dix and talked to General Ryan or Captain Corr and wanted to talk to Dave Schine, that would simply have been a request that Dave Schine call you. It would not have been a discussion of Dave Schine, would it?

Mr. COHN. Sir, my interpretation is that those calls would be included in this. If I might respectfully suggest, Mr. Jenkins, if the Army could give us a breakdown on this we would know. They have not.

Mr. JENKINS. Very well. If the Secretary means what you say, then you say it is true?

Mr. COHN. I say the figure is low, sir.

Mr. JENKINS. Is low?

Mr. COHN. Yes, sir.

Mr. JENKINS. If the Secretary means otherwise, and that is, that it involves a discussion between you or the McCarthy committee and the executive branch of the Government in which Dave Schine was discussed with reference to dispensations or treatment for him, you say it is high?

Mr. COHN. I do, sir.

Mr. JENKINS. What about this statement of the Secretary, that during the same period the matter was discussed at approximately 19 meetings between Army personnel and Senator McCarthy or members of his staff? That excludes Dave Schine, doesn't it, any discussion with Dave Schine, and it excludes any discussion except a discussion between Army personnel—that would include General Ryan—and Senator McCarthy and his staff? What do you say about that, Mr. Cohn?

Mr. COHN. I would say that is susceptible to just about the same interpretation, because if I went down to see Schine and I went in first and talked to Lieutenant Blount, or something like that, I suppose that would count as a discussion. I just don't know what they mean, sir. It is very hard when they give you a general conclusion here without giving you the facts to support it, to know just what we are talking about. If we could get a breakdown, I would be very happy to testify as to a specific fact. I can't very well do that on the basis of these conclusory statements.

Mr. JENKINS. Here he has said that there were 84 discussions, either telephonic or personal, with respect to this one private in the Army. Now, Mr. Cohn, on your own interpretation of what it is, don't you think that that is an unusually large number of conversations, and the consumption of a lot of time with respect to this one private in the Army, regardless of the knowledge that he had in his investigations on the McCarthy committee? Don't you think that?

Mr. COHN. Under the circumstances in which the contacts were had and the information was being gotten and the general picture on the committee, and the fact that it did not interfere with his training, as has been testified to here, and that he did not receive preferential treatment, as has been testified to here, my answer to your question would be, "I do not, sir."

Mr. JENKINS. You do not think so?

Mr. COHN. No, sir.

Mr. JENKINS. Would you say that any effort on your part to get these leaves of absence, to get a commission, to get him assigned to the New York area, was influenced even to the slightest degree by

your friendship for him, your fondness for him, your closeness to him? Was it or not? What do you think about that?

Mr. COHN. Sir, my answer to you would be this: As far as finishing the committee work was concerned or anything like that, no. What I did and what I was instructed to do was done only with relation to committee work and without any regard to the fact that Dave Schine or anyone else on the staff might be a personal friend of mine. Insofar as the commission is concerned, sir, he gave me as a reference on that application for a commission, and I would say that the response I gave, I would have given on interrogation about that, would have been influenced by my acquaintance with him and the fact that I had known him before he had come with the committee. Yes, sir.

Mr. JENKINS. Did you know that on November 7 the Senator from Wisconsin, the chairman of the committee, called Mr. Adams and said that Roy Cohn thought Schine should be a general in the Army and run it from a penthouse on the Waldorf-Astoria? Have I misquoted you, Senator? I don't mean to.

Senator McCARTHY. You certainly have.

Mr. JENKINS. All right. I beg your pardon. I want to get precisely what it is. [Reading.]

Now in that conversation Senator McCarthy said that one of the few things that he had trouble with Mr. Cohn about was David Schine.

You heard that testimony, didn't you?

Mr. COHN. I read that testimony, sir.

Mr. JENKINS. And this further:

Roy thinks that Dave ought to be a general and operate from a penthouse on the Waldorf-Astoria, or words to that effect.

Senator McCARTHY. Mr. Jenkins, I hesitate——

Mr. JENKINS. I don't say you say this. I am reading from the testimony.

Senator McCARTHY. May I say I hesitate interrupting you. I think you are equally vigorous in your cross-examination of both sides.

Mr. JENKINS. I believe you said the other day I was equally unfair to both sides.

Senator McCARTHY. May I say, Mr. Jenkins, that I did call the reporter and tell him to be sure to strike that because I meant "equally vigorous." I do think if you have a question about this conversation between McCarthy and Adams or Stevens, Mr. Cohn is in no position to answer the questions. I think you had better question me.

Mr. JENKINS. I assume he has heard about it.

Senator McCARTHY. I am sure your cross-examination of me will be sufficiently vigorous to bring out those facts.

Mr. JENKINS. Mr. Cohn, did Senator McCarthy tell you about making such a statement?

Mr. COHN. No, sir; he did not.

Mr. JENKINS. Did Mr. Adams tell you that?

Mr. COHN. No, sir.

Mr. JENKINS. Well, did Senator McCarthy have trouble with you about Dave Schine?

Mr. COHN. Sir, Senator McCarthy has at one time or another had trouble with me about myself and just about every other member of the staff. Did he have any serious trouble with me about Dave Schine

or any other member of the staff? The answer to that is "No," sir. Our office is just like every other office of its kind, except, perhaps, it is a good deal busier, tempers are short, and we try to get out a lot of work, and the boys down there do the very best job they can. There are differences of opinion. If Senator McCarthy suggests on occasion that we do things in the wrong way, we probably do, and he is probably completely justified. I would hope that we could be judged, that they could be judged, on the overall result, which is the product of a good deal of hard work and I hope not entirely unsatisfactory, the overall result in the action of the committee during the last year in exposing Communists in vital places and in performing what I hope has been some kind of a service.

Mr. JENKINS. Well, it isn't true that you lose your head, now, when Dave Schine's name is mentioned and he is not kept off of K. P. duty or thinks like that?

Mr. COHN. That is completely untrue, sir.

Mr. JENKINS. Completely untrue?

Mr. COHN. Yes, sir.

Mr. JENKINS. You never tried to get him excused from K. P.?

Mr. COHN. The only incident——

Mr. JENKINS. Did you hear the question?

Mr. COHN. Yes.

Mr. JENKINS. Did you ever try to get him excused from K. P. duty?

Mr. COHN. I am trying to answer your question, sir. The only incident where I heard any discussion about Dave Schine and K. P. was the incident taking place the beginning of January when he was to get some kind of duty, it turns out to be K. P. during a day, a non-training day, when he was to work on one of these reports which was due to go to the printer within a few days. At that time I believe I told Lieutenant Blount and everyone else who had anything to do with it, that for my money, they could put Dave Schine on K. P. all night long, every night of the week, but that I would appreciate it if within the arrangements stated by Mr. Stevens on November 6 he could be available to do the work he had to do during nontraining hours. Sir, outside of that, I never expressed any interest and I had none on the number of times Dave Schine was on K. P. or anything else, and I have none now.

Mr. JENKINS. Mr. Chairman, it is now 5 o'clock, and I think it is a good time to quit while we are on K. P. duty.

Senator MUNDT. May the Chair say that just about a thousand years ago one time, he started out to become a schoolteacher and sometimes had difficulty with disorderly pupils that he had to keep after school. So tonight he had to keep you until 5. He was going to quit at 4:30. So we will now recess until 10 o'clock Tuesday morning.

Happy holiday to everybody.

(Whereupon, at 5 p. m., the committee recessed to reconvene at 10 a. m., Tuesday, June 1, 1954.)

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# INDEX

	Page
Adams, John G.....	1726-1734, 1736
Air Force base (McGuire Airfield).....	1706
Armistice Day.....	1704, 1705
Army (United States).....	1696,
1698, 1700, 1701, 1703, 1705, 1708-1710, 1724, 1727, 1728, 1731-1735	1735
Assistant Secretary of State.....	1715
Atomic Energy Commission.....	1720
Attorney General (United States).....	1713, 1714, 1717-1719, 1722
Baarslag, Karl.....	1708
Baker East.....	1702
Baker West.....	1702
Blount, Lieutenant.....	1733, 1735, 1737
Bradley, Colonel.....	1706
Brownell, Herbert.....	1714, 1720
Camp Gordon, Ga.....	1701, 1734
Carr, Francis P.....	1697, 1698, 1703, 1704, 1709, 1721, 1726, 1732
Central Intelligence Agency (CIA).....	1729
Christmas holiday.....	1703, 1704
Cohn, Roy M., testimony of.....	1696-1737
Communist conspiracy.....	1720
Communist infiltration at Fort Monmouth.....	1712
Communist infiltration of the Government.....	1712
Communist Party.....	1700, 1701, 1712, 1719, 1720, 1722, 1737
Communists.....	1700, 1701, 1712, 1719, 1720, 1722, 1737
Congress of the United States.....	1720, 1723
Corr, Captain.....	1735
Counselor to the Army.....	1726-1734, 1736
Department of the Army.....	1696,
1698, 1700, 1701, 1703, 1705, 1708-1710, 1724, 1727, 1728, 1731-1735	1705
Department of Justice.....	1705
Department of State.....	1708, 1715
Dworshak, Senator.....	1720
Eisenhower, President.....	1717, 1722
Engineering project report (Voice of America).....	1702
Federal Bureau of Investigation (FBI).....	1702, 1717, 1720
Fort Dix.....	1703, 1704, 1705, 1706, 1711, 1725, 1732, 1733, 1735
Fort Monmouth.....	1698, 1704, 1705, 1710, 1726
Government intelligence agency.....	1701
Government Printing Office.....	1710
Greenglass, David.....	1705
Hiss, Alger.....	1715
Hoover, J. Edgar.....	1713, 1717, 1718, 1720
Hotel Waldorf-Astoria.....	1736
Information Center program.....	1697
Information Center report.....	1702
International Motion Picture Service.....	1697
International Press Service.....	1696
Jackson, Senator.....	1715, 1719
Juliana, Jim.....	1697, 1698, 1703
Justice Department.....	1705
K. P. (kitchen police).....	1737
Kirke.....	1698
Lavelle, Colonel.....	1706
Lawton, Maj. Gen. K. B.....	1698
Lewis, Fulton, Jr.....	1636

	Page
Lewisburg Penitentiary-----	1705
McCarthy, Senator Joe-----	1698, 1699, 1701-1703, 1706, 1708-1716, 1718, 1721, 1722, 1727-1730, 1732-1737
McClellan, Senator-----	1712-1714, 1719
McGuire Airfield-----	1706
Miami, Fla-----	1703
Mims, Mrs. Frances-----	1697, 1698
Mutual Broadcasting Co-----	1696
New Year's holiday-----	1704
New York City-----	1701, 1726, 1727
Overseas Information Service-----	1710
Peress, Maj. Irving-----	1698
President of the United States-----	1712, 1717-1719, 1722, 1723
Prewitt, Mr-----	1711
Radar secrets to Russians-----	1701
Reorganization Act-----	1715, 1719
Rogers, Mr-----	1705
Ryan, General-----	1725
Schine, G. David-----	1696, 1698-1711, 1713, 1714, 1716-1718, 1724-1737
Secretary of the Army-----	1698, 1727, 1728, 1730, 1732-1735, 1737
Senate of the United States-----	1716, 1721-1723
State Department-----	1708, 1715
Stevens, Robert T-----	1698, 1727, 1728, 1730, 1732-1735, 1737
Symington, Senator-----	1716
United States Army-----	1696, 1698, 1700, 1701, 1703, 1705, 1708, 1710, 1724, 1727, 1728, 1731-1735
United States Assistant Secretary of State-----	1715
United States Atomic Energy Commission-----	1720
United States Attorney General-----	1713, 1714, 1717-1719, 1722
United States Department of Justice-----	1705
United States Department of State-----	1708, 1715
United States Information Agency-----	1696
United States President-----	1712, 1717-1719, 1722, 1723
UP story-----	1714
Voice of America-----	1696, 1697, 1700, 1702, 1708, 1710, 1711, 1732
Voice of America engineering project report-----	1702
Waldorf-Astoria Hotel-----	1736
Washington, D. C-----	1698, 1709, 1725, 1736
White House-----	1723







SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

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HEARING

BEFORE THE

SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

**S. Res. 189**

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PART 46

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JUNE 1, 1954

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## CONTENTS

---

Index -----	Page I
Testimony of—	
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on In- vestigations -----	1740

ca  
Se  
ate  
Du  
Ar  
Se  
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SPECIAL SENATE INVESTIGATION ON CHARGES AND  
COUNTERCHARGES INVOLVING: SECRETARY OF THE  
ARMY ROBERT T. STEVENS, JOHN C. ADAMS, H. STRUVE  
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,  
AND FRANCIS P. CARR

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TUESDAY, JUNE 1, 1954

UNITED STATES SENATE,  
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

The subcommittee met at 10:10 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

We will resume our hearings. The Chair will start once again by welcoming our guests who have come to the committee room and telling you we are happy to have you here to attend these public hearings and to tell you about our committee ruling, which is not new to those of you who have been here before, but that we have a committee rule forbidding any audible manifestations of approval or disapproval on the part of the audience in any form or at any time.

The committee has given the uniformed officers that you see before you and the plainclothes men scattered in the audience a standing order to remove from the room politely but firmly and immediately any of our guests who for reasons best known to themselves violate the terms by which they entered the room. Those terms included completely refraining from any manifestations of approval or disapproval. We have had wonderful cooperation from our friends in the audience and we expect that cooperation to continue.

As we concluded last Friday, Counsel Jenkins was in the process of cross-examining Mr. Roy Cohn, and that cross-examination will continue at this time with Mr. Jenkins, our counsel, continuing the cross-examination.

Mr. Jenkins.

#### FURTHER TESTIMONY OF ROY M. COHN

Mr. JENKINS. Mr. Chairman.

Mr. Cohn, I again remind you that it is still my painful duty to continue the cross-examination of you as a witness.

Mr. COHN. Yes, sir.

Mr. JENKINS. Do you recall a meeting with Secretary Stevens, Mr. Cohn, on November 16?

Mr. COHN. I do, sir.

Mr. JENKINS. Will you tell the members of the committee what occurred on that occasion?

Mr. COHN. Yes, sir. That meeting came about as a result of a call to me from Mr. John Adams on the afternoon of the 15th. It relates back to the press conference which Mr. Stevens had held on November 13, and I don't know just how much detail you want me to give, Mr. Jenkins, on all those incidents.

Mr. JENKINS. What I particularly want to ask you, Mr. Cohn, is this: As a preface to that question—

Mr. COHN. Yes, sir.

Mr. JENKINS. State whether or not Senator McCarthy was quite upset over the press release given out by Mr. Stevens.

Mr. COHN. I don't know whether I would say upset, sir. He felt Mr. Stevens had made untrue statements in the course of the press conference, and that disturbed him.

Mr. JENKINS. The statement being to the effect that there was no current espionage in the Army, is that right?

Mr. COHN. It was more than that, sir. There were other statements with which Senator McCarthy quarreled.

Mr. JENKINS. That was the part of it to which the Senator particularly objected?

Mr. COHN. Sir, if I recall, there were three parts. One was just as you mentioned, a report that Mr. Stevens had said that there had been no espionage at Fort Monmouth. I believe that is the way the newspaper story which caused the most comment read, the one in the Herald Tribune by Homer Bigart.

No. 2, as I recall it now, Mr. Stevens was reported to have said that none of the suspensions at Fort Monmouth related in any way to the theft or removal or disappearance of documents, which we knew to be untrue.

No. 3, I recall, Mr. Stevens had in his press conference given to the press a breakdown as to the number of suspensions which had taken place, which breakdown he had previously refused to give to this committee on the ground that it was security information covered by the Presidential directive, and the chairman of the committee couldn't quite understand why Mr. Stevens would hold a press conference and give out information which he had told the committee he couldn't give to the committee because it was security information. There might have been other things but I remember those three very particularly.

Mr. JENKINS. I will ask you whether or not on that occasion you stated to the Secretary of the Army that he had doublecrossed Senator McCarthy.

Mr. COHN. No, sir; I don't recall using those words at all.

Mr. JENKINS. I want you now to refresh your recollection, Mr. Cohn, and to serve your memory and to state as nearly as you can to this committee just what you said to the Secretary of the Army, if anything, with reference to a doublecross.

Mr. COHN. Yes, sir. As I recall it, Mr. Adams called me the day before and asked me to come down to see Mr. Stevens. He told me that the matter was of such importance to Mr. Stevens, Mr. Jenkins, that if I could not come down to Washington the next morning, Mr. Stevens would fly up to New York to see me that night, which was a Sunday night.

I had to be back in New York Monday afternoon but I certainly was not going to put the Secretary of the Army to the trouble of flying up to New York just to see me, so I went down on Monday morning at his request.

Mr. Stevens was very much upset at the way the press had reported his press conference. He said they had distorted what he had said, that they had badgered him at the conference, that 1 or 2 reporters got hold of him and were throwing unfair questions at him. Mr. Adams kept saying he knew the whole thing was a mistake and for that reason he had purposely left the room before the press conference took place.

Mr. Stevens said he could fully understand that Senator McCarthy would take issue with the press stories and their accuracy and that he would like to repudiate everything he had said at the press conference.

For my part, I told Mr. Stevens I had talked with Senator McCarthy, who was speaking up in New England—I told Mr. Stevens that Senator McCarthy felt and that I felt and Frank—we all felt who knew the facts about the thing that it had been unfortunate because the facts had been misrepresented in the newspapers and that certainly he had given an inaccurate portrayal of the situation as it had existed.

Mr. JENKINS. My specific question is whether or not you told the Secretary that he had doublecrossed Senator McCarthy.

Mr. COHN. Sir, I do not recall using that word, and I am quite sure I didn't use that word. This conversation——

Mr. JENKINS. Do we understand by that that you specifically deny that, Mr. Cohn?

Mr. COHN. Mr. Jenkins, my best memory is I did not use that word.

Mr. JENKINS. I want to read you what the Secretary says, page 372 of the transcript of the record.

Mr. COHN. Yes, sir.

Mr. JENKINS (reading) :

Mr. Cohn said that Senator McCarthy was mad.

Did you say that?

Mr. COHN. I said he was mad. I certainly conveyed the impression that Senator McCarthy felt the story was inaccurate and Mr.



Stevens, if he said what he was supposed to have said, shouldn't have said it because it wasn't true.

Mr. JENKINS (reading) :

And that I had doublecrossed him.

Mr. COHN. No, sir, I don't recall that.

Mr. JENKINS. I know you say you don't recall. Do you deny or admit it or say that your memory fails you on that subject?

Mr. COHN. You are asking me to give you word for word what was said on that day, November 16. I can't do that. I can give you the substance of the conversation, because I remember it. I cannot swear to you what exact words I did use and what exact words I did not use. I can give you the substance of it and I would be very happy to do that.

Mr. JENKINS. As I understand it, you neither affirm nor deny that statement?

Mr. COHN. I can say that the best I can give you on that, would be a guess, and my guess would be that I did not use it. I cannot recall using the word "doublecrossed" to Mr. Stevens and I cannot see the appropriateness of it in connection with this discussion about the press conference. It was a very pleasant discussion.

Mr. JENKINS. You say it was a pleasant discussion?

Mr. COHN. Extremely so, on both sides.

Mr. JENKINS. The Secretary changed his statement, did he not?

Mr. COHN. He did the next day; yes, sir.

Mr. JENKINS. On November 17, at the Merchants Club in New York City?

Mr. COHN. Yes, sir.

Mr. JENKINS. You say you don't recall using the word "doublecrossed" to the Secretary?

Mr. COHN. I do, sir.

Mr. JENKINS. And I believe you say you don't recall ever having used that word to the Secretary, "doublecrossed"?

Mr. COHN. I don't recall.

Mr. JENKINS. Do you ever remember having used the word "doublecrossed" to Mr. Adams, the Secretary's counselor?

Mr. COHN. No, sir.

Mr. JENKINS. You do not?

Mr. COHN. No, sir.

Mr. JENKINS. Anyway, the press release was altered on the 17th day of November, was it not?

Mr. COHN. I would say it was corrected to bring it in conformance with the true facts.

Mr. JENKINS. There was a newspaper strike in New York City in November, was there not, Mr. Cohn?

Mr. COHN. There very well might have been, Mr. Jenkins.

Mr. JENKINS. Well, now, Mr. Cohn, don't you remember well that on November 28 there was a newspaper strike in New York City?

Mr. COHN. No, sir, I don't remember that well. I do remember, after hearing Mr. Adams' testimony, that there was a—yes, I do remember that there was a newspaper strike.

Mr. JENKINS. And these hearings that were being conducted in New York City were, as a result of that strike, transferred to Washington; were they not?



Mr. COHN. They were not, sir.

Mr. JENKINS. They were not?

Mr. COHN. No, sir.

Mr. JENKINS. Well, Mr. Cohn, they were transferred to Washington; weren't they?

Mr. COHN. No, sir; they were not transferred to Washington. We had previously held hearings in Washington. We held some in New York. Whenever possible, we would hold them in Washington.

Mr. JENKINS. Very well. Now, perhaps, my choice of the word "transfer" was an unhappy one, and conveyed an erroneous meaning to your mind. What I mean to ask you is this: Upon the occasion of the newspaper strike in New York City, the hearings were held in Washington during the pendency of that strike; weren't they?

Mr. COHN. Sir, I can't agree with you on that. I don't believe that to be the fact, and I would very much appreciate this, if I could get the dates of the newspaper strike and see whether it was on the days that we held hearings in Washington, which I believe were December 8 and 9. I could give you a better answer if I had that.

Mr. JENKINS. Well, there was a strike during the period the latter part of November 1953, Mr. Cohn, was there not? Do you not remember that?

Mr. COHN. I know definitely that there was a strike. If I could get the exact dates on it, sir, I would be in a much better position to help you on this.

Mr. JENKINS. Why were there no hearings held in New York City during that newspaper strike, if there were none held?

Mr. COHN. I don't know that there were none. It probably would turn out that there were. I just don't know, sir.

Mr. JENKINS. Mr. Cohn, do you know if there were any held in New York during that time?

Mr. COHN. No, sir, I can't tell you a thing until I know the dates of the newspapers strike, and then by a check of the records I can tell you very quickly whether there were any in New York and whether the ones held in Washington were held in Washington during the time of the newspaper strike in New York.

Mr. JENKINS. I want to ask you, Mr. Cohn, if it isn't a fact that there was a newspaper strike in New York City in the latter part of November, and that these hearings were then held in the city of Washington because they could not and were not publicized in New York City?

Mr. COHN. No, sir.

Mr. JENKINS. You heard Mr. Adams testify on that subject; did you not?

Mr. COHN. I did, sir.

Mr. JENKINS. Did you hear Mr. Adams testify under his oath that Mr. Carr, the director of your staff, told him that the reason the hearings were transferred to Washington was because of the strike in New York City and as a consequence the hearings could not be properly publicized, whereas they could be in the city of Washington? You heard Mr. Adams testify to that; did you not?

Mr. COHN. Yes, sir.

Mr. JENKINS. Did Mr. Carr make such a statement, to your knowledge?

Mr. COHN. I am sure he never made such a statement seriously, sir, and I am sure Mr. Adams knew that he never did.

Mr. JENKINS. He wouldn't have made it jocularly, would he?

Mr. COHN. He might have, sir.

Mr. JENKINS. Would you say if Mr. Carr did make such a statement—did you ever talk to Mr. Carr about that?

Mr. COHN. No, sir, I have no recollection of ever having talked to Mr. Carr about the newspaper strike.

Mr. JENKINS. Can you assign any reason whatever why these hearings were held in Washington during the pendency of the newspaper strike in New York City?

Mr. COHN. Sir, first of all, I can't say they were held in Washington during the pendency of the strike, because I don't have the date the strike was under way. I know hearings were held on December 8 and 9, and if you tell me the strike was on December 8 and 9—

Senator McCARTHY. May I interrupt, Mr. Chairman?

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. If you feel there was anything improper about holding hearings in Washington about Communist infiltration, I am appalled. I was the man who ordered the hearings held in New York, held in Boston, held in Washington, and held in other places. I don't understand what this has to do with the issues. However, if Mr. Jenkins thinks it has, I will be glad to answer in full why we held hearings in various parts of the country.

Mr. JENKINS. Senator, I want to ask about it. The committee may think that it is important, and that is why I am asking.

Senator MUNDT. The Chair believes counsel has a perfect right to interrogate the witness.

Senator McCARTHY. I don't object.

Senator MUNDT. And the Senator from Wisconsin may object if he wants to. May the Chair suggest that there be no interruption this week unless there are points of order or points of personal privilege, and of course the Senator from Wisconsin—

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Have you a point of order?

Senator McCARTHY. You may call it that, I don't know.

Senator MUNDT. I want to know whether you call it that and whether you will state it. We will have to proceed now.

Senator McCARTHY. I want to make it clear, Mr. Chairman, that if there was anything improper about holding hearings in Washington, hearings were held here, I ordered them held here, I will answer any questions, when I get on the stand, on them.

Senator MUNDT. The Chair heard you the previous time.

Mr. Jenkins undoubtedly will ask you questions about it. The Chair reiterates the statement that there be no interruptions, please, this week, unless they are points of order or points of personal privilege. We believe we are on the home stretch of these hearings, and if we are going to get home we have to proceed in order.

Mr. Jenkins?

Senator McCARTHY. I have a point of order here now, Mr. Chairman.

Senator MUNDT. You may state your point of order.

Senator McCARTHY. As a point of order, I would like to ask the Chair to personally read and decide whether or not he wants to

enter in the record a wire from an individual who was mentioned last week as an informant. I will not ask that this be put in the record at this time. I am asking that the Chair read it. I hope he gives all members of the committee copies of the wire. It shows the extent to which the Justice Department is going to prevent the testimony of certain witnesses being received here.

May I say, Mr. Chairman, that I find on the back of this wire certain notes. For that reason, I wish the Chair would use this wire himself.

Senator MUNDT. The Chair will endeavor to read it during the lunch hour. Proceed, Mr. Jenkins.

Mr. JENKINS. Mr. Cohn, during the period from November 18 to December 8 do you know how many times you called Mr. John Adams?

Mr. COHN. No, sir.

Mr. JENKINS. You heard Mr. Adams testify with respect to numerous telephone calls from you during that period of time, did you not?

Mr. COHN. I thought he said that we had numerous conversations, sir. I believe he made just as many calls to me as I did to him.

Mr. JENKINS. I think you are entirely correct. But you and he called each other from time to time, a number of times during that period, as a matter of fact.

Mr. COHN. Surely.

Mr. JENKINS. In those telephone calls the subject of Dave Schine was discussed from time to time, was it not?

Mr. COHN. I would say infrequently, sir.

Mr. JENKINS. Infrequently?

Mr. COHN. Yes, sir.

Mr. JENKINS. I want to read you what Mr. Adams said about that, Mr. Cohn, on page 2564, and ask you whether or not he is correct in his testimony. [Reading.]

There were calls to me fairly regularly. I can't say that the calls to me were every day. There were some long-distance calls from New York. There were occasions during this period where the press of committee business or the requests on the Army required me to place telephone calls to Mr. Cohn, and during many of these calls which I placed to Mr. Cohn I was subjected often during the course of the telephone calls to the same sort of treatment, extreme pressures, with reference to a commitment for a New York assignment for Schine immediately at the conclusion of his 8 weeks of basic training.

Is that true or false, Mr. Cohn?

Mr. COHN. Sir, it is very difficult for me to put a legal characterization on it. I would say Mr. Adams is quite mistaken. If he were pressured or abused he certainly never indicated that to me and I believe you will find the circumstances of my calls were many and his conduct of them to be such that no reasonable person can believe that he was abused or felt that he had been.

Mr. JENKINS. You did want Mr. Schine assigned to the New York area, did you not?

Mr. COHN. There was never a question of any permanent assignment of Mr. Schine to the New York area.

Mr. JENKINS. Now, Mr. Cohn, that is not an answer to my question. My question is specifically, you did want Schine assigned to the New York area, did you not?

Mr. COHN. No, sir. The question was the finishing up of this committee business which had to be done in the New York or Washington



area. Mr. Adams knew the problem, and that is what the discussions were about, sir.

Mr. JENKINS. I am afraid you still haven't answered the question directly. It is specifically: You did want Schine assigned to the New York area, is that right or is it wrong?

Mr. COHN. No, sir; I can't give you a categorical "Yes" or "No" answer to that question.

Mr. JENKINS. Why can you not?

Mr. COHN. Because the thing just doesn't admit of it. It was a question of having to finish up the subcommittee business. Mr. Adams knew all about that situation. He knew that it would be a convenience if Schine could be in the New York or Washington area until he got through with that. But if you ask me did we ask for a commitment on what sounds like a permanent assignment to the New York area, I can't fairly give you a yes or no answer to that.

Mr. JENKINS. But, Mr. Cohn, I didn't say anything about a permanent assignment. The question was simple. Did you want Schine assigned to the New York City area? Now, I think you can answer that "Yes" or "No" and then make such explanation as you see fit.

Mr. COHN. Surely, sir. I would say "No," we did not request an assignment for Schine—

Mr. JENKINS. I didn't ask you about a request. I am asking you about a mental state, now, what was in your mind. Did you want him assigned to the New York area?

Mr. COHN. No, sir, I would say, if I had to go in to our mental state, what we wanted was to get the subcommittee work done and the reports out, and we wanted Schine's help as much as we could get that without interference with his regular Army training. I would say that was our mental state at that period of time.

Mr. JENKINS. And wanting that, you wanted him assigned to a convenient post, and the New York area would have been the most convenient area to which he could have been assigned, that is correct, isn't it?

Mr. COHN. Not quite, sir, it never quite got down to that, because he was at Fort Dix, and they were making him available during the weekends, and we could send staff members out to talk to him, or talk to him on the phone when problems arose, and there was no great difficulty.

Mr. JENKINS. Well, did you ever ask the Secretary of the Army or his counselor, John Adams, to assign this young man Schine to the New York area?

Mr. COHN. No, sir, I don't believe anything that blunt came up. It was a question of the problem of finishing the subcommittee work, and working out some way of his doing that without interfering with his Army training.

Mr. JENKINS. You heard all this testimony by the Secretary of the Army, by Mr. Adams, about these numerous calls, requests, on your part, on the part of the Senator, to get this boy assigned to the New York area so that he could assist in the committee work, and you say that didn't happen, is that right, now?

Mr. COHN. No, sir. I am trying to give you the picture as it did happen. There was just never a request, "Assign him to the New York area," period. This problem had been discussed by us with them



over a period of time. They knew what the problem was, and it was always a question of letting him finish up his subcommittee work without interfering with his Army training. That was a problem on both sides, and we both did our best to work the thing out and it was worked out, sir, in a perfectly satisfactory manner.

Mr. JENKINS. Mr. Cohn, do you remember meeting with Mr. Adams on December 8?

Mr. COHN. I remember the—

Mr. JENKINS. Do you remember a hearing on December 8?

Mr. COHN. I do, sir. I think that was the day Aaron Coleman testified in public session down in Washington.

Mr. JENKINS. Did you talk to Mr. Adams on that occasion about Dave Schine during the course of the hearing?

Mr. COHN. I can't say that I did, sir. I certainly don't deny that I talked with Mr. Adams on that occasion.

Mr. JENKINS. That hearing was held right here in this room, wasn't it?

Mr. COHN. Yes, sir.

Mr. JENKINS. And Mr. John Adams was sitting approximately where Mr. Maner is sitting to my rear?

Mr. COHN. Excuse me, Mr. Jenkins. I have gotten a note here, I don't know how authentic it is, that the newspaper strike was not on the days that our hearings were held in Washington, namely on December 8 or December 9. I assume the information is authentic.

Mr. JENKINS. Very well. I am asking you now, Mr. Cohn—you had a perfect right to put that into the record. I don't know when the newspaper strike was on.

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, you recall this hearing here on December 8, do you not?

Mr. COHN. Yes, sir.

Mr. JENKINS. You say you do not remember talking to John Adams about Schine while the hearing was in progress?

Mr. COHN. No, sir.

Mr. JENKINS. Do you deny talking to Adams about Schine while those hearings were in progress?

Mr. COHN. No, sir. I say it is unlikely, though, sir, for this reason, if I might explain my "no" answer.

I looked at Mr. Adams' original charges filed on March 11, and in those I believe, sir, he said that he talked to me about Schine before the hearings started. Then in his testimony here at this hearing, he changed that and said that I talked to him during the hearings. And if Mr. Adams isn't straight on it, sir, I don't think I can be expected to be. It is very possible that there was conversation between him and me about Schine on the subject of staff members seeing him at night while he was doing his training. Whether that took place before the hearing or during the hearing or on the next day or whether it didn't take place at that time, I am in no position to affirm or deny it.

Mr. JENKINS. Was Schine being given additional work to do along about that time or after he was inducted in the Army, Mr. Cohn?

Mr. COHN. Additional, sir?

Mr. JENKINS. Yes, new assignments.

Mr. COHN. No, sir.

Mr. JENKINS. New work to do?

Mr. COHN. No, sir.

Mr. JENKINS. New witnesses to interrogate?

Mr. COHN. He was not, sir.

Mr. JENKINS. Was not?

Mr. COHN. No, sir.

Mr. JENKINS. It was a question of finishing up his work?

Mr. COHN. Yes, sir.

Mr. JENKINS. You heard General Ryan testify that Schine told him that his work was increasing, did you not, Mr. Cohn?

Mr. COHN. I think that was a true statement, sir.

Mr. JENKINS. A true statement?

Mr. COHN. Yes, sir.

Mr. JENKINS. In other words, he was retrogressing instead of progressing in the getting up of these reports? Wouldn't that be the effect of it?

Mr. COHN. No, sir; it wasn't quite that. I think that is about the period of time that he got hit with the full impact of finishing these reports with a time limit on it. Doing these reports turned out to be quite a formidable job. There was a lot of hard work that he did on those, and a lot of hard work that I think just about every other member of the staff did on those reports. It got to the point, Mr. Jenkins, where I think we stopped holding all hearings for a period of about a month just to get those reports out. It was quite a job.

Mr. JENKINS. Very well. We will get back to that. I am asking you now about December 8, about these public hearings, and I want to ask you about what Mr. Adams swore under oath, and I want to ask you whether or not it is true or false. I am reading now from page 2574 of the record, from the testimony of Mr. Adams:

On a number of occasions during the course of interrogation of the witness, when others were interrogating them, Cohn got up and came over and spoke to me about Schine, saying things to the effect "What about Dave's thing, what about Dave's thing, what about Dave's thing?" It continued intermittently throughout the morning.

What do you say about that, Mr. Cohn?

Mr. COHN. I would say this, Mr. Jenkins, first of all I am just looking here at Mr. Adams' original charges of March 11 in which he set forth a detailed account of these events. If you are talking about December 8, there is not one word about my having said anything to him about Dave Schine on December 8, and I assume Mr. Adams' memory was better when he drew this document on March 11 than it was 2 months later when he testified before this committee.

Mr. JENKINS. Mr. Cohn, that document of March 11 was a general statement, and I am talking to you now about specific testimony in support of those statements. And he says that on December 8, during a public hearing in this room, you continuously asked him "What about Dave's thing?" Do you deny it or is it the truth or do you have no recollection about it?

Mr. COHN. I have no recollection of talking with him, sir, and I would say since he makes no reference to it in his own original charges here, in all probability it did not happen.

Mr. JENKINS. You won't say definitely that it did not happen? You don't definitely deny it?

Mr. COHN. No, sir.

Mr. JENKINS. Well, if it is true, then, what did you mean by Dave's thing?

Mr. COHN. I think what we were discussing then was this change of situation occasioned by the order that staff members could not talk to Schine after training on week nights down at Fort Dix. There was some discussion about Mr. Adams—between Mr. Adams and myself—on the change in the weekend and week-night arrangement. That discussion continued until we worked out a formula that helped us in our work and did not interfere with Schine's army training.

There certainly might have been discussion about that during this period of time, sir. Whether it was on December 8 or not, I just don't know.

Mr. JENKINS. On or about the 9th of December, you learned that a weekend pass for Schine had been canceled, did you not, Mr. Cohn?

Mr. COHN. I don't think so, sir. I think that was some period of time before that.

Mr. JENKINS. Well, did you learn of the cancellation of a week night pass on or about December 9th?

Mr. COHN. I don't know, sir. Once again I thought that that was before. I might be wrong.

Mr. JENKINS. I will ask you if this happened, that you learned some time, about December 9th, that a pass, whether weekend or week-night, a pass for Schine had been canceled, and that you went to Adams, talked to Adams and told him that it was just another Army or Stevens' doublecross?

Mr. COHN. No, sir; I don't recall using those words.

Mr. JENKINS. You don't recall using that word "doublecross"?

Mr. COHN. No, sir.

Mr. JENKINS. I believe you testified a while ago that you never recalled at any time using the word "doublecross"?

Mr. COHN. I do not recall ever having used that word, sir.

Mr. JENKINS. What did you say to Mr. Adams about the cancellation of that pass for Dave Schine?

Mr. COHN. The discussion I had with Mr. Adams was about working out some arrangement whereby Dave Schine could be available to staff members after his training hours and get this work done. We worked out an arrangement on November 6, and before that, that arrangement was just fine with us and worked out well. When the arrangement was tried and reexamined, it was a question of working out some kind of a new arrangement that would not interfere with his training but would give us an opportunity to get the information and get the work done.

I did talk to Mr. Adams, I would say, infrequently about that, sir. That might have been on December 8 or 9 or around that period of time. I certainly don't dispute that.

Mr. JENKINS. Mr. Cohn, I again read you from Adams' testimony, page 2577 of the record:

Mr. ADAMS. December 9, yes, sir. Cohn was aware of this decision on weekdays, and he was again getting up regularly from the committee table, coming over to speak to me about Schine's availability, and he was very put out, petulant, about the decision on weeknights. He talked to me about Mr. Stevens and considered this a doublecross, an Army doublecross of a commitment already made. It was a Stevens doublecross.

What do you say about that, Mr. Cohn?



Mr. COHN. I say about that, sir, I don't recall it, and I am inclined to doubt that it happened that way, because again, sir, I am looking at the specific statement Mr. Adams made 2 months ago in his charges filed March 11, where he gives a completely different version of that conversation.

Mr. JENKINS. You say you are not definite and sure about it. Will you deny it?

Mr. COHN. No, sir. I will affirm—

Mr. JENKINS. You don't deny it?

Mr. COHN. No, sir. I will affirm to you, sir, that I did discuss with Mr. Adams—rather, he discussed with me first this change in arrangement, namely, that the weekends were going to be shortened and that week-night passes for consultation with staff members and work would not be allowed. There was a question of a readjustment which would make it possible for us to get our work done and make it possible for Schine to continue his training like every other soldier. There were discussions with Mr. Adams about that.

Mr. JENKINS. Mr. Cohn, you recall Mr. Adams testifying that you were so persistent and pressured him to such an extent that he decided to go and talk directly with Senator McCarthy about it. You recall that, do you not?

Mr. COHN. I recall that testimony, sir.

Mr. JENKINS. You recall the fact that he did go to Senator McCarthy?

Mr. COHN. I recall the fact that he went to Senator McCarthy, not about that, sir.

Mr. JENKINS. I will ask you, Mr. Cohn, if it isn't a fact that when you learned that Mr. John Adams had gone to talk to Senator McCarthy, you told John Adams that you would teach him not to go over your head and talk to the Senator?

Mr. COHN. It didn't happen that way at all, sir.

Mr. JENKINS. Did it happen approximately that way?

Mr. COHN. I don't even think you can say it happened approximately that way, sir.

Mr. JENKINS. What did happen?

Mr. COHN. What happened, sir, as I recall it, is this: Mr. Adams had had a discussion with us after these hearings in Washington on the 8th and 9th. On both days I believe Mr. Adams had had the customary discussion with us about when the hearings could be ended, and Mr. Carr and I told him that nothing could be done about that.

Mr. Adams on the 9th, sir, went up to see Senator McCarthy and asked Senator McCarthy directly whether or not he would not bring about an end of these Fort Monmouth hearings. After I heard about that, I remember talking to Mr. Adams. I don't know whether it was that day or not.

Mr. JENKINS. May I interrupt you, Mr. Cohn?

Mr. COHN. Surely.

Mr. JENKINS. I will ask you if Senator McCarthy didn't tell you that Mr. Adams likewise talked to him about your intercessions for Dave Schine?

Mr. COHN. He did not, sir.

Mr. JENKINS. He did not?

Mr. COHN. No, sir.

Mr. JENKINS. Very well, you may go ahead.



Mr. COHN. After John went up to see the Senator about getting these hearings stopped and talked to him about that, the Senator told somebody, who told us about the conversation. I remember that Frank Carr and I talked with John Adams about it, sir, and there was nothing along the lines that you suggest. As I recall it, I talked to John first, and I told him—I asked him about his conversation with Senator McCarthy, and whether he had had any luck in getting the hearings stopped. He said that he had not and, as I recall it, he said he hoped I did not mind his having spoken with Senator McCarthy about the matter directly, because John Adams and I were on one lower level and Senator McCarthy and Mr. Stevens were on a higher level.

I think, sir, after Mr. Adams was in the picture, if I had wanted to talk to Mr. Stevens about some cooperation that we were or weren't getting from the Army, I would have gone to Mr. Adams, who was on my level, and asked him to set up the date, and then gone along with him to see Mr. Stevens.

Mr. Adams didn't do that with us, but he went right up to see Senator McCarthy. As I recall it, Mr. Adams wanted to know if I was annoyed at that.

Mr. JENKINS. Were you?

Mr. COHN. I told him, sir, as I recall it, that if the tables were turned and I had wanted to see Mr. Stevens about something like that, I probably would have called Mr. Adams first and asked him to make the date, and gone along with Mr. Adams, who was on my level, because if I didn't do that, sir, it probably would have looked like something of a reflection on Mr. Adams.

Then Mr. Adams told me, as I recall it—he said, as I recall it, "I think you are right, but Frank Carr suggested to me that I go up and talk to Senator McCarthy. Frank Carr told me, 'Why don't you go up and talk to the chairman about it? We can't stop the hearings. He can.'"

The matter was dropped right then and there, because if he had talked to Mr. Carr about it, and Mr. Carr told him to go up and talk to the Senator, that was certainly fine.

Mr. JENKINS. Mr. Cohn, as a matter of fact, you were put out because Mr. Adams had gone over your head and talked directly to the Senator; that is the truth, isn't it?

Mr. COHN. There just was not that much of a question about it.

Mr. JENKINS. You weren't angry about it?

Mr. COHN. No, sir; I was not angry.

Mr. JENKINS. You didn't upbraid him about it?

Mr. COHN. No; I didn't upbraid him.

Mr. JENKINS. When he swore under his oath here, "I said to him—" strike that. [Reading:]

He said he would teach me what it meant to go over his head. I said to him, Roy, is that a threat?" and he said, "No, that is a promise."

You say that didn't happen, Mr. Cohn, that that is purely a figment of the imagination of Mr. Adams and is false?

Mr. COHN. No, sir. I would say it is probably quite an exaggerated account of something that was not much of an incident at all.

Mr. JENKINS. Is there any basis whatever for that?

Mr. COHN. Yes, sir; I would say the basis for it is the fact that Mr. Adams did go to see Senator McCarthy on or about December 9 about these hearings. I was not along, and I did discuss with Mr. Adams some time after that the fact that he had gone to see Senator McCarthy and had told him that if the tables were turned I probably would have called him to make the date with Mr. Stevens and he hadn't done that. He told me, as I recall it, that he had spoken to Frank Carr before he went up to Senator McCarthy and that Frank Carr suggested that he should go up. That was that, far as I was concerned.

Mr. JENKINS. Did you have an argument with Mr. John Adams about when the weekend starts, Mr. Cohn?

Mr. COHN. No, sir. I did have a discussion.

Mr. JENKINS. You had a discussion?

Mr. COHN. Yes, sir.

Mr. JENKINS. What was it?

Mr. COHN. As I recall it, sir, I think that took place on the 4th of December. I can fix that date pretty well because a friend of mine was in my office, it turns out, when I was talking to Mr. Adams.

Mr. JENKINS. Do you mind revealing the name of that friend at this time?

Mr. COHN. Sir, I would rather check with him first and then tell you about it afterward. I am sure he would have no objection.

That conversation I think was Friday afternoon, December 4, and I did have a discussion with Mr. Adams about when a weekend starts. Yes, sir.

Mr. JENKINS. Well, do you mean by that that there was a disagreement between you and Mr. Adams about when a weekend started?

Mr. COHN. There was a discussion.

Mr. JENKINS. What was the discussion, Mr. Cohn?

Mr. COHN. There was a lot of talk that afternoon.

Mr. JENKINS. Let us condense it now, if you will, please.

Mr. COHN. Very well, sir.

Mr. JENKINS. And just tell us what that discussion was.

Mr. COHN. The discussion was about changing the time Schine would have available to work on the committee reports. He ordinarily had been available after training on Friday and was able to put in a full day Saturday and a full day Sunday. That arrangement was changed around the beginning of December so that he was not available until some time during the day Saturday, which cost us a day. I discussed that with Mr. Adams, sir, and suggested that this was not in accordance with the original arrangement we had made. Mr. Adams said, "Well, you are right, we did say weekends," and we had previously interpreted weekend to mean from the end of the day Friday until the end of the day Sunday or until Monday morning.

Mr. JENKINS. Whose interpretation was that?

Mr. COHN. That was everybody's at the beginning, sir, Mr. Adams' and ours.

Mr. JENKINS. Did you and Mr. Adams when you agreed on weekend passes place an interpretation on what a weekend meant?

Mr. COHN. No, sir. Actually we didn't. I thought and I guess he thought that we assumed that weekend meant from the end of Friday until Monday morning.

Mr. JENKINS. Well, now, is that what you say a weekend is, from the end of Friday, or Friday afternoon, or the beginning of Friday evening, until Monday morning; is that your interpretation?

Mr. COHN. Until Sunday night or Monday morning. Yes, sir. In other words, if I might put it a different way, Saturday and Sunday would be the 2 weekend days.

Mr. JENKINS. And you did have a discussion with Mr. Adams about it? You say it didn't amount to an argument?

Mr. COHN. I did, sir.

Mr. JENKINS. He put a different interpretation on it, didn't he?

Mr. COHN. Yes, sir.

Mr. JENKINS. He said it started Saturday noon?

Mr. COHN. It wasn't a question of putting a different interpretation on it, sir. There was a lot of talk back and forth and we both agreed that up until that time both he and I had interpreted it to mean Friday afternoon until Sunday night, and then there was a change. The whole thing got back to "Well, what was meant by a weekend." I said, "I thought it was meant the end of the day Friday until Monday morning or Sunday night." And Mr. Adams said a weekend meant anything anyone wanted a weekend to mean. There was a discussion about that.

Mr. JENKINS. I take it you were wanting Mr. Schine, now, for this committee work?

Mr. COHN. Sure.

Mr. JENKINS. For no other purpose?

Mr. COHN. No, sir; for no other purpose.

Mr. JENKINS. Mr. Cohn, do you know how many long-distance telephone calls you put from yourself to—pardon me. Do you know how many long-distance telephone calls you put in to John Adams on this 1 day? Now, you say this discussion happened on December 4?

Mr. COHN. Yes, sir; that is the best I can fix it, sir.

Mr. JENKINS. Very well, we will accept that as the date. How many times did you call John Adams on December 4, long distance, about anything?

Mr. COHN. About anything?

Mr. JENKINS. Yes.

Mr. COHN. Mr. Adams says 2 or 3 times, that is about right. I know there were 2 or 3 topics of conversation, sir, and I know that at least 2 of those 3 topics of conversation required additional phone calls to be made from me to Mr. Adams. I would say on 2 or 3 is probably right.

Mr. JENKINS. I want to show you a telephone record.

Mr. COHN. You don't have to, Mr. Jenkins, if you will tell me what it is.

Mr. JENKINS. I will tell you what it is, and I will show you the record, Mr. Cohn, and it is here for all to see, the record being that on the 4th day of December there were four long-distance telephone calls from Mr. Cohn in New York City to Mr. John Adams.

Mr. COHN. It could be, sir.

Mr. JENKINS. Just examine it and tell me.

Mr. COHN. I don't even have to do that, Mr. Jenkins.

Mr. JENKINS. Is that correct?

Mr. COHN. No doubt, if the record shows that; sure.



MR. JENKINS. And I will ask you, Mr. Cohn, if they weren't with reference to what a weekend meant?

MR. COHN. They were not, sir.

MR. JENKINS. They were not?

MR. COHN. No, sir.

MR. JENKINS. Why did you call him four times on that day?

MR. COHN. Let me tell you what happened that afternoon, sir, and I will tell you why there were four phone calls. I didn't know I placed them all. My recollection is that on 1 or 2 occasions he had called me back and I called him again.

MR. JENKINS. The record shows they were all from you, Mr. Cohn, from New York City to John Adams.

MR. COHN. Very well. I recall one thing that necessitated a further phone call was this: Mr. Adams on that afternoon—and I start this by saying that I allege nothing whatsoever improper on this—had taken up with me the question of getting theater tickets for his aunt, whose name I recall but don't want to mention here unless you want me to. She lived in Brooklyn.

MR. JENKINS. That is not necessary.

MR. COHN. In fact, there were two aunts. They lived in Brooklyn and Mr. Adams was going to be in New York the next week or week after. He gave me a list of 2 or 3 shows, and he asked me if I could line up some tickets for one of those shows, No. 1, and if, No 2, I could call his aunts at some number he gave me in Brooklyn and agree on an evening with them when they would be available to go, and agree on the name of the show, and get the tickets and let him know, and he would plan to be in New York on that particular evening.

As I recall it, sir, and I am sure of it, I placed a call to his aunts in Brooklyn and I placed a call, I know, to the theater ticket broker to see if I could get a particular show. I think he wanted Tea House of the August Moon, and I don't think we could get tickets to that. I called Mr. Adams back and I brought him up to date on that particular situation. We discussed in some length those arrangements on that day. As I say, that little theater party finally came off on December 16.

MR. JENKINS. Mr. Cohn, did you discuss Schine?

MR. COHN. Yes, sir. I told you about that.

MR. JENKINS. On each of those four calls?

MR. COHN. No, sir, I doubt if he was discussed on each of those four calls at all.

MR. JENKINS. You say you doubt it?

MR. COHN. Yes, sir.

MR. JENKINS. Mr. Cohn, you remember Mr. Adams' testimony on that subject, don't you?

MR. COHN. I do, and I am not finished telling you what we talked about.

MR. JENKINS. I beg your pardon. I didn't mean to cut you off.

MR. COHN. There was one other topic of conversation and that topic of conversation was General Lawton. Mr. Adams talked to me on that occasion about some new allegations against General Lawton, in which Mr. Adams thought he might be relieved of his command and in which Mr. Adams thought might have a particularly appeal to me in getting me to help Mr. Adams have Senator McCarthy agree



not to make a public issue if General Lawton were relieved of his command. As a result of certain statements Mr. Adams made to me, I agreed to check those statements with certain people I knew in New York who might have knowledge of it and get to the source. I telephoned on that afternoon, sir, to two people I knew in New York who would have knowledge of those statements about General Lawton, and I recall reporting back to Mr. Adams on what those people had to say about General Lawton, and I also recall making a tentative arrangement to have Mr. Adams see one of those people during the next week. I do recall, sir, that I spent a substantial period of time talking to Mr. Adams on that particular afternoon about these various subjects. I think I spent probably an hour and a half or 2 hours on the phone with Mr. Adams about these subjects.

Mr. JENKINS. Mr. Cohn, Mr. Adams' testimony, and if I am in error you may correct me and you may refer to page 2582 of the record, that on those occasions, on the 4th day of December, you used obscene language, language that he couldn't repeat here in the presence of the spectators or the radio or television, unprintable language, vituperative language. What about it?

Mr. COHN. Well, sir, I am not going to deny that there might be certain things that I say and I believe all of us say that we would not say on television. As far as using vituperative or obscene language is concerned, I have talked to practically all of my friends about that, and the consensus of opinion is that if anything I use a good deal less of cuss words than most people do.

Mr. JENKINS. Did you talk to yourself about it, now?

Mr. COHN. Yes, sir.

Mr. JENKINS. I am asking you now about Roy Cohn's version of it, not what your friends say about the type of language you used. John Adams swore that you used bad words.

Mr. COHN. Yes, sir. I don't know what he calls a bad word and what he meant, sir. I will very freely tell you that on occasion I might use a word which I would not use here on television.

Mr. JENKINS. Is that when you are angry?

Mr. COHN. It might be when I am angry.

Mr. JENKINS. Like October 20 at Fort Monmouth?

Mr. COHN. It wouldn't necessarily be when I am angry. It might be when I am talking to another man and we are talking about something we don't like, or something like that. It could be on a lot of occasions, sir. I do want to say this, while I very freely admit that I have used words that I would not be prone to repeat—

Mr. JENKINS. You have the usual repertoire of bad words, I take it, Mr. Cohn?

Mr. COHN. I would say I have about the usual. I don't think I have any unique ones in my vocabulary.

Mr. JENKINS. You have never plowed a mule in new ground, then, Mr. Cohn.

Mr. COHN. No, I don't think so, sir. And there are words that I certainly would not repeat on television.

Was there anything vituperative or obscene or anything that is out of the ordinary or out of normal? I would say definitely not, sir, and Mr. Adams certainly never indicated to me or to anybody else that he objected to anything which I said to him. That is all new.

MR. JENKINS. And so when he swears that you discussed Schine with him on four occasions on the 4th day of December, and argued with him over what constituted a weekend, and used obscene and vituperative language, do you say that John Adams swore truthfully or falsely?

MR. COHN. I would say this, sir, again I am loathe to characterize what somebody else says as false. That involves a lot of elements—

MR. JENKINS. Did you or not? We will put it that way, Mr. Cohn. Yes or no.

MR. COHN. Let's do it this way—

MR. JENKINS. I would rather you do it that way and then you are entitled to make an explanation. You can answer that, I think, yes or no.

MR. COHN. We did discuss what constitutes a weekend, sir. I don't believe—certainly in my opinion I did not then or on any other occasion use to Mr. Adams what I think—well, I don't want to pull anybody else in here—what I think a normal person would regard as vituperative or obscene or unusual language between two guys talking about something. I do say, sir, that Mr. Adams has omitted to state a good number of important other things which were discussed on that afternoon and on other occasions, and has tried to create the impression that just about every time we talked it was all about Schine and Schine finishing committee work and getting preferential treatment when that just isn't true. So I would say, sir, Mr. Adams has given an inaccurate picture of what happened on that afternoon, sir.

MR. JENKINS. Did you talk about the investigation of subversives in the Army?

MR. COHN. No, sir. We might very well have. I remember that was a frequent topic of conversation. What I remember is what you say, what he says. I remember the General Lawton discussions, because I had to talk to other people about that and called Mr. Adams back. I have checked with those other people, and I know that I did talk on that afternoon. And, sir, I do know that there was discussion about his aunts, and the theater tickets on that afternoon. So the best I can tell you, sir, is that there is a little bit of truth thrown in with an awful lot of omission.

MR. JENKINS. The discussions, Mr. Cohn, centered around the investigations of the McCarthy committee, the theater tickets, sometimes Schine—that is the truth, isn't it?

MR. COHN. I remember the weekend, sir. I remember the General Lawton thing. I remember the theater tickets for the two ladies in Brooklyn.

MR. JENKINS. Do you remember this automobile ride in New York City on December 17, Mr. Cohn?

MR. COHN. Yes, sir.

MR. JENKINS. Do you remember what John Adams swore about that?

MR. COHN. Yes, sir.

MR. JENKINS. Do you remember that he testified that you were so angry that he feared for Senator McCarthy's life and limb; in other words, that you would commit mayhem on him if he left him alone? You remember that?

MR. COHN. Yes, sir, I do.

Mr. JENKINS. Were you angry on that occasion?

Mr. COHN. Sir, we had an animated discussion about General Lawton.

Mr. JENKINS. An animated discussion?

Mr. COHN. I don't think Senator McCarthy on that occasion or on any other occasion was in need of bodily protection from Mr. Adams against me or against anybody else.

Mr. JENKINS. The discussion was quite animated, you say?

Mr. COHN. Yes, sir, it was.

Mr. JENKINS. I suppose, Mr. Cohn, by that you mean that your temper rose and fell and, as Mr. Adams said, like the tides of the sea; is that right?

Mr. COHN. Sir, I have never made up an emotional chart, and I just can't give as vivid a characterization as Mr. Adams can. I can tell you, sir, though, for your purposes here, that there was lengthy discussion about General Lawton; that I was very much disturbed, sir, about what they were trying to do to General Lawton; that I was sufficiently disturbed so that that night I communicated personally with General Lawton's headquarters to tell him what they were trying to do to him, and that the next day I took my time to have lunch with General Lawton's aide, Lieutenant Corr, to tell him just what Mr. Adams was up to. So I certainly was upset about it, sir.

Mr. JENKINS. Mr. Cohn, you talked to him about Dave Schine on that occasion, didn't you?

Mr. COHN. No, sir.

Mr. JENKINS. Do you deny that now positively and emphatically?

Mr. COHN. Yes, sir; I can certainly deny to you, sir, that that animated discussion was about Dave Schine.

Mr. JENKINS. Was Schine's name mentioned?

Mr. COHN. Mr. Adams said at the hearings here that he said—he kept trying to say, "Let's talk about Schine."

Mr. JENKINS. Did he or not?

Mr. COHN. I think he might very well have said "Let's talk about Schine."

Mr. JENKINS. Did you talk about Dave Schine?

Mr. COHN. No, sir, I don't recall that we did. Neither does the Senator, and neither does Mr. Carr. I was intent on talking about General Lawton and what they were trying to do to him. That is what we did talk about, sir, and I think about the best proof of that is that that night—and you have the phone slip, Mr. Jenkins—I phoned General Lawton's headquarters to send word to the general just what had happened at lunch that day; and the next day, sir, December 18, I had lunch with Lieutenant Corr, General Lawton's aide, and I told him what Mr. Adams was trying to do to General Lawton.

The discussion that day, sir, was about General Lawton.

Mr. JENKINS. Mr. Cohn, Mr. Adams testified that you cursed him on that date. Do you remember that?

Mr. COHN. I heard his testimony, sir. I think he said that I used abusive and—

Mr. JENKINS. I will read you precisely what he said, page 2587 of the record:

Mr. Cohn became extremely agitated, became extremely abusive. He cursed me and then Senator McCarthy.



He said you cursed both him and the Senator.

Mr. COHN. I think he is a little bit wrong about that, sir.

Mr. JENKINS. A little bit?

Mr. COHN. Yes, sir.

Mr. JENKINS. How much?

Mr. COHN. I will try to tell you how much.

Mr. JENKINS. Or how little?

Mr. COHN. I will try to tell you that, sir.

We had an animated discussion about the General Lawton situation. I don't think he can say that I was disturbed at Senator McCarthy. I think it is more accurate to say, sir, that Senator McCarthy agreed with me, and that it was Mr. Adams against Senator McCarthy, Mr. Carr, and myself, and not the other way around.

As far as using intemperate language or anything like that, I can't, once again—

Mr. JENKINS. He doesn't say intemperate language. He says profane language.

Mr. COHN. Sir, I don't know what Mr. Adams calls profane language.

Mr. JENKINS. He says you cursed him.

Mr. COHN. I don't know what he means by that, sir.

Mr. JENKINS. Mr. Cohn, you know what cursing is.

Mr. COHN. Well, sir, once again, I suppose we have to go word by word here. I have told you, sir, that I certainly have on occasion, as I assume everybody else here has, used some words which you would not want to repeat on television. When you are talking to another man, when you are discussing a situation or when you are discussing someone, you might say something which you don't want to say on television.

Mr. JENKINS. And you say you did it in a period of animation?

Mr. COHN. I very well might have, sir; sure.

Mr. JENKINS. Mr. Cohn, you are perfectly capable of becoming quite animated at times, too, are you not?

Mr. COHN. I am sure that I am.

Mr. JENKINS. Nobody can accuse you of being a phlegmatic type of person?

Mr. COHN. No, sir.

Mr. JENKINS. During that period of animation, you say that you might have used some words that you wouldn't want repeated over television—

Mr. COHN. Certainly.

Mr. JENKINS. And radio?

Mr. COHN. No doubt about that.

Mr. JENKINS. No doubt about it?

Mr. COHN. No, sir.

Mr. JENKINS. Did you on that occasion, as John Adams swore—

Mr. COHN. I might very well, sir. It certainly would have been an appropriate occasion to use some of those words.

Mr. JENKINS. An appropriate occasion?

Mr. COHN. Yes, sir.

Mr. JENKINS. So I take it by that, Mr. Cohn, that now you admit that on that occasion, in a period of animation, you used some profanity to the counselor for the Secretary of the Army; is that right?



Mr. COHN. Sir, I don't want to argue with you about what profanity—

Mr. JENKINS. I don't want to argue with you. I am merely asking you a question.

Mr. COHN. I will certainly say that that would have been a very appropriate occasion, and I might very well have used words which I would not repeat here and would not want to hear anyone else repeat here on television, sir.

Mr. JENKINS. You say it was all centered around General Lawton?

Mr. COHN. I do, sir.

Mr. JENKINS. That the Schine subject had nothing whatever to do with it?

Mr. COHN. It did not, sir.

Mr. JENKINS. And that John Adams testified erroneously, we will put it?

Mr. COHN. I would say he was mistaken, sir.

Mr. JENKINS. I will read you further from John Adams, 2588:

The subject was Schine. The subject was the fact—the thing that Cohn was angry about, the thing that he was so violent about was the fact that, one, the Army was not agreeing to an assignment for Schine; and, two, that Senator McCarthy was not supporting his staff in its efforts to get Schine assigned to New York. So his abuse was directed partly to me and partly to Senator McCarthy.

Is that true or false, Mr. Cohn?

Mr. COHN. Sir, I would say Mr. Adams is mistaken about that. The only—

Mr. JENKINS. Then I take it you say that is absolutely false.

Mr. COHN. Mr. Jenkins, when you say something is false, you are going into a man's state of mind and into an element of willfulness. I would rather say there, sir, that Mr. Adams' account is not accurate and leave it to the committee to judge whether it was willfully inaccurate or whether he was mistaken.

Mr. JENKINS. You say it isn't accurate?

Mr. COHN. It is not.

Mr. JENKINS. And let the committee draw its own conclusions. Is that what you are swearing to, Mr. Cohn?

Mr. COHN. Yes, sir.

Mr. JENKINS. Very well.

Mr. Cohn, do you remember when Mr. Adams went to Sioux Falls, S. Dak., to visit his mother?

Mr. COHN. I don't doubt that he did. I don't remember it. And I didn't talk to him when he was there, sir.

Mr. JENKINS. Did you inspire anyone to talk to him while he was there?

Mr. COHN. I did not.

Mr. JENKINS. Did you discuss with Mr. Frank Carr the advisability of Mr. Carr's calling him or did you talk to Carr about calling him?

Mr. COHN. Not that I recall, sir; no.

Mr. JENKINS. Not that you recall?

Mr. COHN. No, sir.

Mr. JENKINS. Are you in a position to deny it, Mr. Cohn?

Mr. COHN. I am in position to tell you, sir, I have no recollection of ever suggesting to Mr. Carr that he call Mr. Adams in South Dakota.

Mr. JENKINS. Did Mr. Carr ever tell you that he called Mr. John Adams?

Mr. COHN. I don't recall that, sir.

Mr. JENKINS. Did you know or did you ever learn that while John Adams was in Sioux Falls, S. Dak., just prior to the Christmas holidays, Mr. Frank Carr called him on two different occasions about an assignment for Dave Schine?

Mr. COHN. I don't believe that Mr. Carr did call him on these occasions about an assignment for Dave Schine. I believe, sir, Mr. Carr will tell you why he did call him. I don't have personal knowledge of the subject. Since these hearings have come up I have talked with Mr. Carr about it and I do know why he called him.

Mr. JENKINS. Did you call Mr. John Adams at Amherst?

Mr. COHN. Yes, sir.

Mr. JENKINS. When was that?

Mr. COHN. I believe that date has been fixed as January 9.

Mr. JENKINS. January 9?

Mr. COHN. Yes, sir.

Mr. JENKINS. I believe Mr. Carr called him. You and Mr. Carr were together, were you, on that occasion?

Mr. COHN. No, sir.

Mr. JENKINS. You were in New York?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Carr was in Washington?

Mr. COHN. Yes, sir.

Mr. JENKINS. Did you know that Frank Carr was calling Mr. Adams while he was at Amherst for the purpose of making an address.

Mr. COHN. I knew that Mr. Carr had been trying to find Mr. Adams; yes, sir. I didn't know Mr. Adams was in Amherst.

Mr. JENKINS. You were likewise trying to get him located?

Mr. COHN. Yes, sir.

Mr. JENKINS. What was the purpose of your call to Mr. Adams on that occasion, Mr. Cohn?

Mr. COHN. As I think I testified the last time, Mr. Jenkins, that was an occasion when, as I recall it, Schine had come into New York. This was about a week before the final date on the filing of these reports, and we were hard pressed. Schine had come into New York to do his work on them, and he had been ordered back to Fort Dix to do some kind of duty. The purpose of my interest in it then, sir, was to see if that duty could be done during the week nights when he was not available to work on these reports, and to that end, sir, I tried to talk with Mr. Adams. I believe I first talked with Lieutenant Blount, and then I tried to reach Mr. Adams.

Mr. JENKINS. You say you first talked with Lieutenant Blount?

Mr. COHN. Yes, sir.

Mr. JENKINS. On that same day?

Mr. COHN. Yes, sir; I think so.

Mr. JENKINS. Mr. Cohn, you had no intention whatever of mentioning the name of Dave Schine to Mr. Adams when you called him at Amherst?

Mr. COHN. I had every intention of it. It was the only reason I was calling him, sir.

Mr. JENKINS. For what purpose, did you say?

Mr. COHN. I say the purpose of that, sir, was to see that Schine under the arrangement we had previously made was available to do the work on the reports over the weekend, and that the duty he had, he could stay up extra hours or whatever it was during the weeknights. That was the purpose of my call to Mr. Adams on that occasion.

Mr. JENKINS. And you called immediately after you had talked to Lieutenant Blount?

Mr. COHN. No, sir; I don't think so.

Mr. JENKINS. Well, you called subsequent to your conversation with Blount?

Mr. COHN. That is right, sir, I first talked to Lieutenant Blount and he told me that they had instructions that Mr. Adams must personally approve any of those things, and I then tried to get in touch with Mr. Adams.

Mr. JENKINS. Is that conversation with Lieutenant Blount that you had on that day a conversation in which you told him that you had a long memory, and would not forget the names of Colonel Ringler and Lieutenant Miller?

Mr. COHN. That is that conversation, sir.

Mr. JENKINS. Did you make such a statement as that, Mr. Cohn, to Lieutenant Blount in that conversation?

Mr. COHN. No, sir; it was not made that way, and I would be glad to explain what did happen.

Mr. JENKINS. You heard Lieutenant Blount's testimony?

Mr. COHN. I did, sir.

Mr. JENKINS. What was said on that occasion?

Mr. COHN. I called Lieutenant Blount, I believe, on that occasion about the same problem, whether or not Schine could do this work during the week, and whether they would live up to the arrangements which Mr. Stevens had made, making Schine available to finish his subcommittee work over weekends. I think I explained to Lieutenant Blount that we had just about a week or so left before the deadline on filing committee reports, that we were very hard pressed, that arrangements had been made for Schine to work on them, and I wondered whether he couldn't have Schine do his work over on week nights, stay up extra, and as Lieutenant Blount testified here, very correctly so, I told him I didn't care how many times they put him on K. P. duty or anything else, during week nights, as long as we had him during the period Mr. Stevens had outlined to work on these reports. That is what I talked to Lieutenant Blount about. It was quite a long talk. I had talked to Lieutenant Blount on several other occasions and we had become somewhat friendly. I liked him. He told me then that the company commander, a colonel was—seemed to have a low opinion of Dave Schine and that there seemed to be a great deal of friction about it. I then told Lieutenant Blount, sir, as I recall, an incident which had been related to me about a statement which this colonel had made about Schine, not about Schine, actually, but about the type of work which this committee was doing, which would lead one to the conclusion that this gentleman was very much out of sympathy with what we were doing, regarded it as a "witch hunt," which is the term that he used, I believe, and I told Lieutenant Blount about that, and it is very possible, sir, that I did say I had a long



memory and that I would remember that colonel's name. I know that I did ask—pass the name along to a member of the staff and asked that a check be made of this particular colonel, because he was talking in a pretty peculiar way about the Communist investigation.

Mr. JENKINS. That is, Ringler was?

Mr. COHN. Sir, I am sorry that his name has been injected into this, because it is very possible that there was a misunderstanding about it, and he is entitled to his opinion. But that is who it was, and that is what his name was.

Mr. JENKINS. Are you saying that Colonel Ringler was talking peculiarly about the investigation of Communists, Mr. Cohn?

Mr. COHN. I am saying, sir, that Colonel Ringler had made a statement concerning the work of this committee which had been told to Private Schine by somebody who—

Mr. JENKINS. Well, what was the statement, Mr. Cohn?

Mr. COHN. The statement was, sir, that we were engaged in a witch hunt and that investigations like this were red herrings, things along those lines.

Mr. JENKINS. And that statement was conveyed to you by Mr. Dave Schine?

Mr. COHN. It was, sir.

Mr. JENKINS. And do you say it was for that reason that you said that the name of Colonel Ringler would long linger in your memory?

Mr. COHN. I might have said I was going to remember the name, yes, sir.

Mr. JENKINS. Well, now, Mr. Cohn, you heard this young man, the lieutenant, testify?

Mr. COHN. I did, sir.

Mr. JENKINS. And you say that you and he had been on friendly terms?

Mr. COHN. Yes, sir, we had been.

Mr. JENKINS. And still are?

Mr. COHN. Well, I haven't had any disagreement with him—

Mr. JENKINS. As far as you know, he is a high-type man of integrity?

Mr. COHN. Yes, sir.

Mr. JENKINS. I will read you what he says, page 3508, and this is Lieutenant Blount:

Pursuant to that, he said that some people at Fort Dix had been very cooperative, but that Colonel Ringler and Lieutenant Miller had made things especially difficult for Private Schine, and that he, Mr. Cohn, had a very long memory and was never going to forget their names.

Mr. COHN. Yes, sir.

Mr. JENKINS. What do you say about that, Mr. Cohn?

Mr. COHN. Well, I say, sir, what I just told you a few minutes ago, that when I spoke to Lieutenant Blount, he indicated to me that it was this colonel who was making the objections and that apparently there was some reason for animus between him and between Schine. I then did relate this particular incident to Lieutenant Blount as I recall it, and I know I mentioned it to a staff member and asked for a rundown on this colonel's name, and I might certainly have said that I will remember the name or something like that; yes, sir.

Mr. JENKINS. Now, let's get it straight, Mr. Cohn. This young man testified that you said that Colonel Ringler and Lieutenant



Miller had made things especially difficult for Private Schine? Did you or did you not say that?

Mr. COHN. No, sir; as I recall it——

Mr. JENKINS. Your answer is no, sir?

Mr. COHN. Yes, sir; and then I am going to tell you that as I recall the conversation that Lieutenant Blount said that as far as he was concerned, the thing was a lot of nonsense; that the arrangements were made, it was working out fine, Schine was doing all of his training and if he wanted to spend his spare time that way, that was just fine with Lieutenant Blount, he thought that was fine, but that some other people did object to it, Colonel Ringler in particular, and he said nothing disparaging at all about Colonel Ringler, seemed to have different views about the thing.

I then told Lieutenant Blount, as I recall, this incident about Colonel Ringler and in connection with that, might very well have made the statement about a long memory. If Lieutenant Blount says I did, I am sure I did. I am sure he would not misrepresent.

Mr. JENKINS. You are sure that this young man would not misrepresent?

Mr. COHN. I am sure he would not want to misrepresent, sir. I think he is trying to recall a conversation that took place some time ago as best he can. It did take place. In substance, I agree with him on what was said.

Mr. JENKINS. I read you further from Lieutenant Blount's testimony. As I understand it, you now say that Lieutenant Blount, if he said it, you are in no position to deny what I have read to you. That is right, Mr. Cohn?

Mr. COHN. No, sir. I say there is an argument about certain terminology and things that were said. I say in substance I did call him, the discussion was just as he said, the topic was the same. There are a few refinements on which we might disagree, which is only logical, after the lapse of this period of time.

Mr. JENKINS. You know of no feeling or animosity that Lieutenant Blount might have against you?

Mr. COHN. No, sir.

Mr. JENKINS. And no motive to distort the facts?

Mr. COHN. No, sir; and I have nothing against him. He was very cordial at all times.

Mr. JENKINS. Mr. Cohn, if you say on that occasion, that these two officers, a colonel and a lieutenant, had not been cooperative with Dave Schine or not treated him as you thought he should have been treated, and that you had a long memory and their names would linger in your mind indefinitely, wasn't that a form of a threat against the Army?

Mr. COHN. No, sir. It was certainly not meant as such. It was not said as such. It was said in the context that I have said here, and I am sure that Lieutenant Blount would not interpret it to be such. As I said, our relationship with him was extremely cordial, I said and I think he is a very nice guy.

Mr. JENKINS. I want to read you further from his testimony. Did you ever discuss with Lieutenant Blount whether or not this boy ought to be relieved from KP duty? I mean Dave Schine.

Mr. COHN. That is what the whole question was. The question was whether he was going to do it during the time Mr. Stevens said he would be available to the committee, those 2 days a week, or whether

he could do it by staying up some nights during the week, when he was out there for training. I told Lieutenant Blount, as he testified here, that as far as I was concerned, they could put him on KP every night of the week, all week long. Our only problem was to let him work on these reports, when he was supposed to do it, under the arrangements made by Mr. Stevens.

Mr. JENKINS. I will ask you whether or not this statement is correct, it being an excerpt from the testimony of Lieutenant Blount:

No, sir; Mr. Cohn on that particular day never mentioned committee work. He did say that what we wanted to do with Private Schine from Monday to Friday would be O. K. as far as he was concerned.

Mr. COHN. That is right.

Mr. JENKINS (reading):

But he didn't see why Private Schine had to pull KP on Sunday.

Did you say that, Mr. Cohn?

Mr. COHN. No, sir. What happened, as far as saying what I didn't care what they did with him Monday through Friday, they could put him on as much KP or keep him up all night, that is true, sir. As far as not mentioning committee work, I believe the lieutenant is mistaken about that. Every time I talked to him about the Schine thing, it was about committee work. I never talked to him about anything else, and I don't think he suggested that I did. I don't think I gave him a detailed description of just what work he was supposed to do or anything like that. But he knew what it was about, sir, and I knew what it was about.

Mr. JENKINS. Did you ask Lieutenant Blount or make a statement to Lieutenant Blount to the effect that you didn't see why Schine had to pull KP duty on Sunday, Mr. Cohn?

Mr. COHN. No sir. What I said to him, I believe, was——

Mr. JENKINS. His testimony is not correct?

Mr. COHN. It is very hard to say it is not correct.

Mr. JENKINS. All right, you say you didn't say it, and we can draw our own conclusions?

Mr. COHN. Sir, there is so much here a matter of terminology. I agree completely with the substance of what Lieutenant Blount says. I agree that I called him. I agree with him on just what the discussion was about. The discussion was about sticking to the arrangement that had been made, which was working out fine, which would allow Schine during his non-training period on Sundays to work on these reports and do this committee work. I did tell Lieutenant Blount that we would like that arrangement to be lived up to; that if they wanted to stick him on KP or anything else all night long Monday through Friday, that was perfectly O. K. with us. That undoubtedly was said, and that is true.

Mr. JENKINS. Do you remember a conversation with Mr. Adams on January 11, Mr. Cohn?

Mr. COHN. No, sir. On January 11?

Mr. JENKINS. January 11.

Mr. COHN. No, sir.

Mr. JENKINS. Do you recall Mr. Adams' testimony with respect to a conversation you had with him on that day?

Mr. COHN. I don't recall that, sir. If you would refresh my recollection——

Mr. JENKINS. Very well. I am reading from page 2605 of the record:

Mr. ADAMS. Yes, sir. He said the Army had promised Schine a commission and had not lived up to it.

I am talking about a conversation in which Mr. Adams testified that you enumerated a number of Army or Stevens doublecrosses with respect to Dave Schine. Did you ever have such a conversation with Mr. Adams?

Mr. COHN. On the statement you have just asked me about, Mr. Jenkins—

Mr. JENKINS. January 11.

Mr. COHN. No, I don't have any recollection of that. On the question of the commission, Mr. Adams did tell me and other people on the staff—Mr. Carr and Senator McCarthy—that if Schine were not who he is and was and did not come from this committee, he would have been given a commission.

Mr. JENKINS. Does that mean that you were talking to Adams about a commission for Schine?

Mr. COHN. No, sir. I think it was just a discussion about something in the far distant past, and what would have happened and what could have happened if Schine were not a guy from the McCarthy committee.

Mr. JENKINS. You were just together talking?

Mr. COHN. Yes, sir.

Mr. JENKINS. You said nothing, the Senator said nothing, Frank Carr said nothing about a commission for this boy, and Adams just out of the clear blue said he would have been given a commission if he had been given his just due?

Mr. COHN. It probably wasn't out of the clear blue, Mr. Jenkins. To give you the whole picture, we saw Mr. Adams and talked with him day in and day out over a period of months. He was with us professionally, socially, and every other way. We talked to him on the phone all of the time, just about everybody and everything we knew, all of our mutual friends, people we knew—things were talked about by us at one time or another.

Mr. JENKINS. Including Dave Schine?

Mr. COHN. Sure; absolutely.

Mr. JENKINS. I want to read you what Mr. Adams testified here at page 2605 in which he enumerated your alleged allegations of numerous Army doublecrosses.

Mr. COHN. Is that 2605, Mr. Jenkins.

Mr. JENKINS. 2605. [Reading:]

He said the Army had promised Schine a commission and had not lived up to it.

Did you say that, Mr. Cohn?

Mr. COHN. On that occasion, sir?

Mr. JENKINS. Yes, sir, or on any occasion.

Mr. COHN. Yes, I think Mr. Adams and I did discuss the fact that when General Reber came in he said on the merits, on the basis of Schine's qualifications, his service in the Army Transport Service, the work he had done with this committee, his business experience, his university degree, and everything else, there was no doubt in the world but that he was entitled to a commission.



Mr. Adams did tell us that the reason he did not get the commission was because they didn't want to be criticized by the hostile press, and if Schine were not Schine—one of the penalties of being who he was was not getting the commission. That is true, sir.

Mr. JENKINS. Then your answer is in the affirmative, you did say the Army had promised Schine a commission and had not lived up to it? Your answer is in the affirmative? Is that right, Mr. Cohn?

Mr. COHN. We talked to Mr. Adams. There was this discussion, not once but I remember 2 or 3 times at least, about why Schine did not get a commission. It was away back in the past. Mr. Adams very frankly told us why he did not get a commission.

Mr. JENKINS. I know. I didn't ask you that now. Adams said that you said, "The Army had promised Schine a commission and had not lived up to it." As I understand you, you say that is correct, Mr. Cohn, is that right or not?

Mr. COHN. In order to move along——

Mr. JENKINS. No, we are not trying to move along. Mr. Cohn, I want your testimony in here.

Mr. COHN. My testimony about that, sir——

Mr. JENKINS. And don't say "Yes" unless it is true, and don't say "No" unless it is true.

Mr. COHN. All right, sir. Thank you.

My testimony on that, sir, is that there were 2 or 3 occasions when the reasons that Schine did not get a commission were discussed with Mr. Adams. In those discussions, Mr. Adams made it very clear to us that the reason Schine had been turned down was because of who he was and the fact that he came from this committee.

Those discussions did take place. I can't say, sir, in the context in which you give it, that I or anybody else made a special issue out of saying to Mr. Adams that back in July they should have given Schine a commission and didn't give him a commission. Certainly it was mentioned on 2 or 3 occasions in the form of talk about that which had long since passed.

I agree with that, sir, yes. I do not recall this January 11 conversation.

Mr. JENKINS. Mr. Cohn, my question to Mr. Adams was this: "Can you enumerate these various doublecrosses that he then claimed the Army had given Schine?" And Adams in response to that said that you said the Army had promised Schine a commission and had not lived up to it; and that it was a doublecross.

Mr. COHN. Yes, sir.

Mr. JENKINS. Is that correct?

Mr. COHN. You ask me do I recall that specific conversation?

Mr. JENKINS. Yes. I am asking you, did it happen or not, on either January 11 or any other time?

Mr. COHN. The best I could give you is what I have given you; that there was this discussion between Mr. Adams and us on 2 or 3 occasions about what had happened about the commission. We never asked him to get Schine a commission. We never asked help in any way. The thing was a closed book as far as we were concerned.

Mr. JENKINS. You say the Army had "promised Schine a commission"?

Mr. COHN. I don't know about the word "promise." I say, sir, General Reber said the first time he came in, when he heard Schine's



qualifications, he didn't hesitate 2 seconds before he said, "Yes, there is no doubt about it, he is entitled to a commission."

MR. JENKINS. Did you consider the fact that Schine was not given a commission an injustice to Schine, Mr. Cohn?

MR. COHN. I would say so, sir; yes.

MR. JENKINS. You would say it was an injustice?

MR. COHN. I would say it was; yes.

MR. JENKINS. Did you consider it a doublecross, a breach of promise?

MR. COHN. That is hard to say, sir. I would rather give you what the facts were. General Reber, a man comes in and says, "On the merits, he is entitled to it. Yes, there is no doubt about it." Then he doesn't get it. Whether you want to call that a doublecross, a change, an injustice, or whatever you want to call it, sir, I don't know. That is the way it happened.

MR. JENKINS. Adams further said that you stated that they had promised a New York assignment for Schine, and had not lived up to it, on January 11. What do you say about that, sir?

MR. COHN. No, sir. I say if you go on and read about this business about canceling the week-night availability, changing what a week-end constituted, and all that, those things undoubtedly were discussed between Mr. Adams and between us, yes, sir. I would agree with that.

MR. JENKINS. Will you agree that you made the statement that you had been promised a New York assignment for Schine, and that the Army had not lived up to it? Will you agree to that or not?

MR. COHN. No. I recall no conversation along those lines.

MR. JENKINS. Do you deny it, Mr. Cohn?

MR. COHN. Sir, if you go on and read—

MR. JENKINS. That is another subject now. You have enumerated this commission.

MR. COHN. Yes, sir.

MR. JENKINS. You have testified about that. Then he said, No. 2 is that you claimed that Schine had been promised a New York assignment and they had not lived up to that. That is a different subject.

MR. COHN. Yes, sir.

MR. JENKINS. What about that now?

MR. COHN. I would say that that is inaccurate.

MR. JENKINS. Inaccurate?

MR. COHN. Yes, sir.

MR. JENKINS. You deny that, then?

MR. COHN. Yes, sir. I would say that is inaccurate.

MR. JENKINS. No. 3, that they had canceled Schine's week-night availability. What do you say about that—accurate or inaccurate?

MR. COHN. That is accurate, sir.

MR. JENKINS. That is accurate?

MR. COHN. Sure. They had. Although I have to say this, Mr. Jenkins: After having done that, General Ryan made an arrangement, Mr. Adams took it up with General Ryan, and General Ryan made an arrangement whereby staff members could go down and see him on the post, and all that, put a conference room at their disposal. That was satisfactory. That took care of the problem.

Mr. JENKINS. The next number: That we were requiring Schine to meet Saturday morning duty schedules, which was a doublecross.

Mr. COHN. That is that weekend discussion; yes, sir.

Mr. JENKINS. Is that accurate?

Mr. COHN. Yes, sir. We discussed that. We discussed changes in the terms of this weekend with Mr. Adams.

Mr. JENKINS. The next number: That the Secretary's statement of November 13—he says you threw that up to him then, on January 11.

Mr. COHN. Sir, I am not saying anything—

Mr. JENKINS. I am asking you now, Mr. Cohn.

Mr. COHN. I am sorry.

Mr. JENKINS. He is enumerating what he claims you told him constituted a number of doublecrosses. And that the Secretary's statement of November 13 with reference to current espionage at Fort Monmouth was a doublecross.

Did you say that?

Mr. COHN. Sir, maybe I don't understand. Are you asking me did I in a specific conversation on January 11 say all these things?

Mr. JENKINS. Or any other time.

Mr. COHN. Yes, sir; I certainly might have—I certainly discussed with Mr. Adams the Secretary's statement of November 13. I told Mr. Adams that I thought the statement was unfortunate because it was untrue. I told him that the statement on espionage at Fort Monmouth was untrue. I told him that Mr. Stevens' statement about why these thirty-odd people had been suspended was untrue. And I certainly did consider that, sir, to be a wholly untrue and inaccurate statement and one with which I disagreed.

I did discuss that with both Mr. Adams and Mr. Stevens, and if Mr. Adams said I discussed that and that I felt they had been wrong in that and had made untrue statements, Mr. Adams is telling the truth about that; yes.

Mr. JENKINS. And sixth, he enumerates six of the alleged doublecrosses or what you termed "doublecrosses," and now he says you stated on January 11, this long period at Camp Gordon was a sixth doublecross?

Mr. COHN. No, sir.

Mr. JENKINS. That is definitely and positively untrue, Mr. Cohn?

Mr. COHN. Sir, the best I can tell you is this about the discussion about Camp Gordon: Mr. Adams gave a different version on the length of time Schine would be down there on a number of occasions. I don't believe, sir, that I ever said the changed version constituted a doublecross or anything like that. On this subject, Mr. Jenkins, I would go further. If Mr. Adams is listing here things I had discussed with him where I felt in my opinion he was—maybe it was a wrong opinion—he was quite wrong and had done things which had come under the heading of things which were unfair and unjust, I certainly would have recounted what they were trying to do to General Lawton. I would have recounted a large number of other things which I thought and still think had been handled by Mr. Adams in a way that was not fair and not accurate. So I would say that this list is probably incomplete.

Mr. JENKINS. And, Mr. Adams further testified, do you recall, Mr. Cohn, that during that conversation in which he said that you enumer-

ated six doublecrosses, that you were quite animated, to use your expression?

Mr. COHN. Yes, sir.

Mr. JENKINS. And used vituperative and obscene language; is that true or not?

Mr. COHN. I don't even remember the conversation, sir.

Mr. JENKINS. You don't even remember the conversation?

Mr. COHN. I do remember discussing these things that we have gone down the list about with Mr. Adams. I think he was conservative. I think we had animated discussions about what they were trying to do with General Lawton. We had discussions about the file-stripping situation. We had discussions about a number of other things, in which there were animated discussions and disagreements between us, sir. There were a lot of things, and discussed over a long period of time. As far at the vituperative and obscene language, I can say nothing more than what I have said here.

Mr. JENKINS. What happened when Mr. Adams told you the boy was to go overseas?

Mr. COHN. I believe I have related that sir. If you want me to relate it again, I will.

Mr. JENKINS. I will ask you this one question, that I may have asked you before, and I believe I have. Mr. Adams told you the chances were 9 to 1 that he would go overseas; did he not?

Mr. COHN. It didn't happen that way.

Mr. JENKINS. It didn't happen that way?

Mr. COHN. No, sir.

Mr. JENKINS. How did it happen?

Mr. COHN. Mr. Adams said that he came over to see Mr. Carr and me. I believe he fixed the date as October 14, and I have no disagreement with that. A lot of things were talked about, the personal things, the law partnership, a lot of other things, stopping the investigation at Fort Monmouth, not calling the members of the loyalty boards, we went to lunch, we came back, we had more talk. It was during that visit that Mr. Adams said to us—that he threw out this business about sending Schine overseas. And I think, sir, if I might respectfully suggest, if you and the committee will examine the context in which that was said, you will regard it as a most unusual statement, for Mr. Adams to come out and make on that occasion, one not supported by the facts, and one which I think clearly indicates the purpose for which he was making the statement at that time. We knew that Schine was going to go to Camp Gordon, was going to get training as a CID agent, go to some of these intelligence schools. And that his overseas tour would probably come some time later.

Mr. Adams threw that in right then at this point, I think, sir, as an example of how he could get nasty. I think the record bears that out. Once again, Mr. Jenkins, because I think this is an important point, I show you the inconsistency between Mr. Adams' testimony before this committee, when he said that this overseas business just came out of a thin air, just brought up by him out of a thin air, and his original charges in which he admits coupling on that visit which he initiated and which he admits coupling, the statements about Schine going overseas with a discussion about the Fort Monmouth investigation. I think his original statement is the true one.



Mr. JENKINS. You will recall, Mr. Cohn, that he testified that you said that if Schine went overseas, Stevens was through as Secretary of the Army?

Mr. COHN. I heard him say that, sir.

Mr. JENKINS. Did you or not?

Mr. COHN. No, sir.

Mr. JENKINS. Did you say anything like that, Mr. Cohn?

Mr. COHN. No, sir, and my recollection is that I did not. I have talked to Mr. Carr who was sitting there the whole time, and he says I did not.

Mr. JENKINS. Then you say that such a statement on the part of Mr. Adams is purely a figment of his imagination or has no foundation whatever in fact?

Mr. COHN. I would say, sir, that he is mistaken.

Mr. JENKINS. He is mistaken?

Mr. COHN. Yes, sir.

Mr. JENKINS. And when he swears, as is reflected on page 2606 as follows:

Yes, sir, that is right. I asked him what would happen if Schine got overseas duty. He responded with vigor and force, "Stevens is through as Secretary of the Army."

You say that didn't happen, Mr. Cohn?

Mr. COHN. I say I have no recollection of having said that. I checked with Mr. Carr who was sitting right there, and he says I did not say it, sir.

Mr. JENKINS. Mr. Cohn, I am not asking you what somebody else said that you did or did not say. As I understood you a moment ago, you said that did not happen.

Mr. COHN. Yes, sir.

Mr. JENKINS. And as I understood your last response to my question, you said you have no recollection of that happening.

Mr. COHN. Sir, I don't recall that having happened, I don't remember saying that, and I checked with the only other person in this world that was there, and he said likewise he does not remember it being said and does not remember it having happened.

Mr. JENKINS. As we get it, then, Mr. Cohn, you are not here denying it of your own knowledge?

Mr. COHN. Sir, I could come pretty close to that.

Mr. JENKINS. I know, but "pretty close" is a relative term. Sometimes an inch means a whole lot and sometimes several feet means nothing.

Mr. COHN. Surely.

Mr. JENKINS. As I get your testimony, you neither admit or deny saying that Stevens is through as Secretary of the Army if this boy Schine has overseas duty; is that right, now, Mr. Cohn?

Mr. COHN. No, sir. I think I would go much further than that. I have given it to you, sir, as my best recollection and my recollection is a fairly good one, that I did not make those statements. I told you I checked with the only other person on this earth that was there, and he says I did no make those statements, sir. And I can tell you under oath here, that I never, I never threatened to wreck the Army, that I am sure that Mr. Adams never believed for two seconds that I threatened to wreck the Army, that I am sure he knows I could not wreck the Army, and that whole thing is just a little bit ridiculous.



Mr. JENKINS. Do we get that you deny it, you affirm it, or you say you have no recollection of it?

Mr. COHN. I am telling you, sir, that No. 1, I have a pretty good recollection, No. 2, I remember that day, No. 3, I do not remember saying any of those things the way Mr. Adams has them, and No. 4, I checked with the only other person that was there on that occasion, and he says my recollection is correct, that I did not make those statements.

Mr. JENKINS. You are telling us what Mr. Frank Carr said?

Mr. COHN. Yes, sir.

Mr. JENKINS. And I want to know, and the committee wants to know for the benefit of this record, what Mr. Roy M. Cohn said.

Mr. COHN. Yes, sir.

Mr. JENKINS. As I get it now, you are saying that you have no recollection of it?

Mr. COHN. No, sir, I say I do not recall having said that.

Mr. JENKINS. Well, that is what I get your answer to be, that you don't recall having said it.

Mr. COHN. No, sir.

Mr. JENKINS. But you don't deny it?

Mr. COHN. Sir, I say I am sure I did not say it.

Mr. JENKINS. All right, now you are saying you did not say it, Mr. Cohn?

Mr. COHN. Yes, sir. I am saying I am sure I did not make that statement, and I am sure that Mr. Adams and anybody else with any sense, and Mr. Adams has a lot of sense, could ever believe that I was threatening to wreck the Army or that I could wreck the Army. I say, sir, that the statement is ridiculous.

Mr. JENKINS. I am talking about Stevens being through as Secretary of the Army.

Mr. COHN. That is equally ridiculous, sir.

Mr. JENKINS. And untrue?

Mr. COHN. Yes, sir, equally ridiculous and untrue, I could not cause the President of the United States to remove Stevens as Secretary of the Army.

Mr. JENKINS. Mr. Cohn, I pass to you—strike that.

You have testified, I believe, Mr. Cohn, last Friday?

Mr. COHN. Yes, sir.

Mr. JENKINS. At that time you were questioned about committee work that was done by Mr. Schine after he was inducted into the Army on November 3d?

Mr. COHN. Yes, sir.

Mr. JENKINS. And about committee work that he did prior to November 3d?

Mr. COHN. Yes, sir.

Mr. JENKINS. And I believe you testified that subsequent to November 3d, after his induction into the Army, and while he was on these various passes and leaves of absence, he dictated certain memoranda—

Mr. COHN. That is not quite right, sir.

Mr. JENKINS. Is that not correct?

Mr. COHN. No.

Mr. JENKINS. Well, what is correct, Mr. Cohn?

Mr. COHN. What is correct, sir, is this: I might say that neither I nor Dave Schine nor anyone on our staff as a matter of practice goes around dictating a lot of memoranda. I told you, sir, that what Schine did, when staff members talked to him and when he was off, it fell into a number of categories. One of the things he did was to clarify and turn over information which he might have in his head which he might be able to get by reference to papers which we showed him, concerning witnesses and situations on which he had worked when he was with the committee. I also told you, sir, that he did a good deal of work on the three interim reports which I mentioned, of the subcommittee, and on certain sections of the annual report of the subcommittee.

That is the substance of what he did during the very limited period of time that he had off, during his Army training, sir. That is what I told you that he did, sir, and that is what he did do.

Mr. JENKINS. Mr. Cohn, during the times that he was off on these passes—

Mr. COHN. Yes, sir.

Mr. JENKINS. Did he dictate any memoranda whatever, except work on these three interim reports to which you have referred?

Mr. COHN. I don't think he himself dictated anything, sir, in the way of memoranda; no, sir.

Mr. JENKINS. Did you or any member of the staff dictate any memoranda as a result of your conversations with Dave Schine during these leaves of absence or passes?

Mr. COHN. That might have happened, sir.

Mr. JENKINS. That might have happened?

Mr. COHN. Yes, sir. And I might say, we will have available staff members who talked with him, and I assume they are checking their files and will be able to show you whether or not there are any memoranda which they prepared on information which Dave Schine gave them.

Mr. Jenkins, on that point, typical points would be that we would ask him about certain situations, one of which occurs to me very clearly, one concerning this major, I won't mention his name, the major that Dave Schine had handled before he went into the Army, who had given us pretty important information which had never been reduced to writing. I talked to Dave Schine about that information when it came into issue some time in December. Senator McCarthy talked to him about it. I did not make any memoranda about what Dave Schine told me. I know the Senator did not. I knew the same thing came up in January when the major committed suicide. The FBI asked me about it. They knew that Schine had been in touch with this man. And I communicated with Schine again and rechecked my recollection of what Schine had told us. But I don't think on that occasion I made any memoranda, sir, and I don't think the Senator did. On the other hand, you do have these reports, and I can't tell you that there are no notes by Schine and things like that, because I know there are. I know he worked on these reports, I know we have the end product of what he produced and we might have parts of the drafts and things along those lines.

Mr. JENKINS. Mr. Cohn, you produced a part of the end product—

Mr. COHN. Yes, sir.

Mr. JENKINS. Of what Dave Schine accomplished after he went in the Army on November 3?

Mr. COHN. Yes, sir.

Mr. JENKINS. In your testimony last Friday, did you not?

Mr. COHN. Yes, sir.

Mr. JENKINS. That consisted of these three interim reports?

Mr. COHN. Yes, sir.

Mr. JENKINS. And nothing else?

Mr. COHN. That is a lot, sir.

Mr. JENKINS. Very well. I am not in a position to judge. The judges sit both to my right and to my left.

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, is there any other evidence, documentation, reflecting the work of Dave Schine except those three documents that you produced here last Friday?

Mr. COHN. Yes, sir.

Mr. JENKINS. What are they?

Mr. COHN. Unfortunately, sir, we did not keep all the drafts that led up to these documents. We do have drafts or fragments of drafts of some of these reports. Some were dictated by Dave Schine before he went in, and after he went in. We have some notes which were made by him on drafts of those reports I think while he was down at Fort Dix, beginning in January, a few things along those lines, sir. You have my sworn testimony as to what he did, and you will have the sworn testimony under oath here, and subject to cross-examination, of other staff members who talked to him, on the question of what he did in that very limited time that we are talking about when he was doing his Army training at the same period.

Mr. JENKINS. Was it not our understanding last Friday that between Friday and Tuesday morning, this morning, you and other staff members and your employees, secretaries, and stenographers, were to search the files and produce as evidence this morning any documentation of any additional work done by Schine?

Mr. COHN. Sir, I believe what you asked us to do was to produce for the committee, work done by Schine or things worked on by Schine in any stage from the time he went with the committee to July, and from the time he went in the Army up to the present time. You did make that direction and ask that we produce those things.

Mr. JENKINS. Are you prepared to do it now?

Mr. COHN. Yes, sir, I am.

Mr. JENKINS. To produce additional documents, data, compiled by Schine?

Mr. COHN. Yes, sir.

Mr. JENKINS. Or other members of the staff as a result of their conversations with Schine?

Mr. COHN. Yes, sir.

Mr. JENKINS. I ask you to do so now, Mr. Cohn.

Mr. COHN. It is on the way down, sir. It will be here in 2 or 3 minutes.

Mr. JENKINS. Mr. Chairman, would you mind recessing for 2 or 3 minutes while I am on that subject, and let me pursue that to its logical conclusion?

You say they will be here in 2 or 3 minutes, Mr. Cohn?



Mr. COHN. Maybe less than that, sir. The minute you started asking about it, somebody went after it.

Senator MUNDT. There will be a 2- or 3-minute recess.

(Brief recess.)

Senator MUNDT. The committee will come to order, please. The recess has been concluded. Counsel was interrogating Mr. Cohn about the production of the data and documents and worksheets which have been requested by the committee as emanating from Mr. Schine.

I see that a box of something has arrived. I presume it is the material. So, Counsel Jenkins, you may continue with the interrogation of Mr. Cohn.

Mr. JENKINS. Mr. Cohn, are you now prepared to answer my last question and to produce the documents to which I referred and to which the Chairman has just referred?

Mr. COHN. Pretty much so, sir.

Mr. JENKINS. Will you now do so?

Mr. COHN. Consider it done, Mr. Jenkins.

I would like to make a brief statement in connection with this production, if I may.

Mr. JENKINS. Does the box in front of you contain those documents, the work sheets?

Mr. COHN. Yes, sir.

Mr. JENKINS. The end product of the work of Mr. Schine, is that correct?

Mr. COHN. It does, sir; and I would like to make an explanation, if I may.

Mr. JENKINS. Very well.

Mr. COHN. What we did was this: First of all, this was over the Memorial Day weekend, but so we could keep our word with the committee and have as much of the material as we could here this morning, we made some members of the staff work during parts of the weekend. We have tried to get together here a good deal of what Dave Schine wrote, dictated, worked on, while he was with the committee and after he left the committee.

I don't say this is a complete production. As I told you, there are probably a thousand files. We haven't gone through them all. There are probably a lot more, somewhat more.

Another thing I have to tell you, sir, is that the names of confidential informants do appear in various of these documents. In various of these documents there are no names of confidential informants. In some there are names of people who are confidential informants.

Mr. JENKINS. Have you segregated the documents?

Mr. COHN. No, sir, I have not done that, sir. I have not been able to do it in the time limit.

I want to make one more statement, if I may, Mr. Jenkins.

Mr. JENKINS. Very well.

Mr. COHN. There is also some information here on which Schine worked and got from other agencies which is security information, and is so denominated by other agencies. In other words, I noticed some stuff which the CIA sent over to him. They stamped that "confidential security information." So that material does have a security classification.



There is some other material, I think some State Department material, sent to Schine, addressed to him, which does have a security classification. There are the names of informants. Informants would be disclosed, and I imagine some sources of information which this committee has would be lost if these names were published.

There is a good deal of the material which does not come under that prohibition, which would not reveal the names of informants or concern informants who have already been exposed and have already testified.

But I would say, sir, this is the best job we could do for you in the limited period of time which we had.

Senator MUNDT. Mr. Counsel, may the Chair say this: We receive this material with the understanding that the names of the informants will not be made public.

Mr. COHN. Yes, sir.

Senator MUNDT. I suggest we will have to have some kind of screening process to delete those names in the event that Mr. Welch or anybody on the committee desires to put all of this material into the public record. The Chair would also like to suggest that in that screening process we delete the names of people who are accused of different maledictions of various kinds such as we have in an investigation part way through, because there is no need to bring in the names of a lot of people who might ultimately turn out to be innocent.

At least this material is available to the members of the committee, it is available to Mr. Welch, and I think he understands the terms under which it was received and that there will be no disposition on Mr. Welch's part to put the names of informants in any public record.

Am I right, Mr. Welch?

Senator MCCARTHY. May I ask Mr. Cohn a few questions about this?

Senator MUNDT. Let me find out from Mr. Welch first whether my understanding is correct. What he wants to find out is what work was done by Mr. Schine rather than to try to put a lot of names of people in the public record.

Mr. WELCH. I cannot see that I would have any need to put names in the public record, but I do not wish at this time, speaking in complete ignorance of what is in the box, to say that I would exclude any of it.

Senator MUNDT. My point is, Mr. Welch, in your looking at these names, looking at the records which are to be made part of the committee material, that you do so with the understanding that before any names are placed in the public record, that would take committee action.

Mr. WELCH. That is fair enough.

Mr. MUNDT. May I have that understanding with you, sir. Am I right, Mr. Welch?

Mr. WELCH. Yes; but could I say one thing more. What I am particularly interested in is the work product of David Schine after he was inducted in the Army. That is what I wish to see. That, I take it, is segregated, or can be segregated.

Mr. COHN. Senator Mundt, if I may, there are two things I have to say here. There is some material in here concerning the names of informants and other things which, speaking for myself, I don't think

Mr. Welch ought to see. I have no objection to the Chair's seeing it. It belongs to the committee. It is committee information and every member of the committee certainly ought to see it, and Mr. Jenkins. I think there might be some things which Mr. Welch does not want to see. There might be some things which concern matters concerning an investigation of some of Mr. Welch's clients and things along those lines. I am sure the committee would not want him to go into those.

The second point is, Senator Mundt, that so far as Mr. Welch just asked for, in the very limited period of time that Dave Schine had to do some of this work when he was doing his training all day long at the same time down at Fort Dix, the bulk of the work he did was on those reports, and there is some information bearing on that which I know will be available to Mr. Welch in here along with these documents.

As I explained to Mr. Welch on Friday, sir, Dave Schine did not come down to Washington at all. He did not dictate to our stenographers down here, sir. As far as I know, he did not dictate memoranda. That is not the way it went. It was a very, very limited thing. He did a lot of work on finishing up these reports. I have given Mr. Welch those reports in printed form and he is free to interrogate me about them. We do have some notes and a few drafts which I think will be of help to Mr. Welch. But I do want to make it clear, sir, that in the very limited period of time that Schine had while he was down at Fort Dix doing his training at the same time, I covered the categories of what he was working on. There just is not that much more.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. As the Chair understands the terms under which we are receiving the material, it will be a committee decision as to what goes in the public record and what is made available beyond the personnel of the committee and its staff.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. I will recognize Mr. Welch first, if he has something else to say.

Mr. Welch?

Senator McCARTHY. Sure, go ahead, Mr. Welch.

Mr. WELCH. Am I recognized?

Senator MUNDT. You are recognized.

Mr. WELCH. I was a little puzzled at Mr. Cohn's reference to my clients. I have only a modest collection of them. Presumably they might all be listening on the television and they wouldn't crowd the audience too much. But I am not aware of any clients who were investigated by this committee or had any transactions with it. I would wish you would say something that would make my few little clients feel better than they must at this moment, when they hear you talking about them.

Mr. COHN. Mr. Welch, I thought, sir—maybe it is my fault, and I will apologize if it were—I thought I very clearly indicated to the committee what I referred to was information dealing with Communist infiltration into the Army. In view of the fact, sir, that you represent the Secretary of the Army, and the Counselor of the Department, I did not, sir, refer to any of your clients in private practice. I know but one of them who happens to be a good friend of mine, sir, and I have no intention of trying to get his business.

Mr. WELCH. Mr. Chairman, I feel better on both points.

Senator MUNDT. Very well.

Senator McCarthy?

Senator McCARTHY. Mr. Chairman, in view of the fact that the subpoena was served upon me and the material has been produced here by the chairman of the—

Senator MUNDT. May the Chair say the material was produced without the benefit of the subpoena. At the suggestion of Senator Jackson, we withdrew the subpoena and got a unanimous consent.

Senator McCARTHY. I would like to ask Mr. Cohn a few questions about this material, if I may.

Mr. COHN, as we know, this was ordered produced before the Memorial Day holidays.

Mr. COHN. Yes, sir.

Senator McCARTHY. You have had very little time to go through this material, I assume?

Mr. COHN. Well, sir—well, we put in some time on it sir; yes.

Senator McCARTHY. And I may say for the record, I was taking a vacation over the holidays myself. I think I talked to you a couple of times by phone and talked to you for a few minutes last night also. I would like to know a little more about this material. Does this contain the names of any informants who came to me to give me information?

Mr. COHN. Are you saying, sir, to you personally as opposed to Dave Schine or myself or someone on the staff?

Senator McCARTHY. Yes.

Mr. COHN. I don't know, sir.

Senator McCARTHY. You don't know?

Mr. COHN. No, sir. I can think of some who I know spoke both to you and to Dave Schine.

Senator McCARTHY. Mr. Chairman, I am going to order the counsel not to turn that material over. It will not be available to Mr. Welch until I have had a chance to go through it.

Mr. COHN. May I submit it to Mr. Jenkins, though, sir?

Senator McCARTHY. If it is understood that it will be available only to Mr. Jenkins and the chairman; yes. But I will order you not to make it available to Mr. Welch at this time until I have had a chance to go through it. I was asked to produce certain material. I am ready to produce the material I was asked to produce. I may say that it took Mr. Stevens and Mr. Adams about 6 months to get a few names for us. I think maybe we should have more than just the holiday weekend to go through this. I would like to ask the Chair's indulgence to have at least another half day so that I can with Mr. Carr go through this material here and make sure that it complies with the request of the Chair.

Senator MUNDT. The Chair has previously announced that the material is being accepted by the counsel and by the committee. It will not be released to people beyond the committee staff and the committee members without action of the committee members.

Senator McCARTHY. As chairman of the committee, I have no permission to turn this material over to the chairman without permission of the Permanent Investigations Committee. I will call a meeting of this committee after we get through today. May I say that anything



that Dave Schine has done, any work he has performed, any notes he had made, certainly should be available to Mr. Welch, to everyone on this committee. However, I am afraid that I will have to refuse to turn files over on just hit or miss basis, not knowing what is in them, until I get permission of the full investigating subcommittee. I will call a meeting of the subcommittee for that purpose.

Senator MUNDT. In the meantime, they will be in the custody of Committee Counsel Jenkins, in response to our request which was issued in lieu of a subpoena, but with the same understanding.

Mr. COHN. May the record indicate, Senator Mundt, that we are herewith producing to yourself, sir, and to Counsel Jenkins, the material, as much of the material as we could assemble, called for by Mr. Jenkins Friday afternoon?

Senator MUNDT. Very well.

Senator McCARTHY. Just a minute so we don't have any misunderstanding.

Senator McCLELLAN. Mr. Chairman, can I be recognized?

Senator MUNDT. Are you through, Senator McCarthy?

Senator McCLELLAN. What I want to determine now is are these files now in the custody of this committee or are they not? I want to know. I can't tell from all of this——

Senator MUNDT. The Chair would assume——

Senator McCLELLAN. I don't want an assumption. I want to know are these files in the custody of this committee or are they not?

Senator McCARTHY. May I answer that?

Senator McCLELLAN. No. I am asking the chairman.

Senator MUNDT. The Chair would assume on the basis of the record that you have heard as well as I, that these files have been turned over to the custody of our committee counsel, Mr. Jenkins, and have been delivered to him by Mr. Cohn.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. I have said repeatedly that I would not make available the names of any informants, any of my informants. If this is a matter between Mr. Schine and Mr. Cohn, if these are informants that he feels should be turned over to the counsel of the committee, I assume that he has talked to Mr. Schine about this, that is well and good. However, it is now 12:10. I would like to have the noon hour to discuss this matter with Mr. Cohn. In the meantime, I will, with the Chair's permission, consider these files in the custody of the Permanent Investigating Subcommittee.

Mr. COHN. Sir?

Senator MUNDT. Mr. Cohn.

Mr. COHN. Senator Mundt, might I explain this: I have talked to Private Schine about this over the weekend, sir. The files do contain the names of certain informants, certain people who have been giving this committee information, sir. And I would like to say that both Schine and I, and I believe all of the staff members know that the success or failure of this committee, sir, depends upon our ability to get information concerning the mishandling or laxity or inefficiency in the executive branch of the Government. That is why this committee is set up, sir. We must get that information from people in the executive. If we don't get it, we are out of business. We have a



specific mandate, under the Legislative Reorganization Act, to look into laxity and mishandling of situations in the executive. Most of the time, sir, you can get that information only from people who work in the executive. We have obtained statements from a large number of people who do work in the executive. I am no more anxious, sir, to embarrass those people or to betray their confidence, than is the very distinguished chairman for whom I have the very highest respect.

I notice, sir, in the memorandum of law, which Mr. Brownell submitted, in support of the Eisenhower directive, he has a quote from Theodore Roosevelt in refusing to turn information over to a senatorial committee on the ground that that information would give away the name of a man who furnished that information to the Government, and asked that his name be kept secret. President Theodore Roosevelt said that that was a sacred trust. I regard the information given to this committee by people who want to see Communists exposed and uncovered as a sacred trust. I am the last one who wants to reveal their names, sir. As I understand it now, I am producing this material to you, sir, to Mr. Jenkins and to the committee, not for the purpose of destroying these sources of information, and revealing the names of these people, but on the understanding that these names of confidential information will not be revealed, but that the material will be made otherwise available to you, sir.

Senator MUNDT. That is the basis on which the material was solicited, and it is on that basis that the material is received.

Senator McCLELLAN. Mr. Chairman, a parliamentary inquiry.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. Do I understand that this material, whatever it is—I don't know what is in it—is made available for the inspection of the committee as it now is presented in that box, or is it not? That is what I want to know.

Senator MUNDT. My understanding very definitely is that it is made available for inspection by the committee.

Senator McCLELLAN. Are there any conditions or qualifications on it? Let's keep the record straight.

Senator McCARTHY. May I correct the Chair?

Senator MUNDT. There are none that I know of.

Senator McCLELLAN. Let's see.

Senator McCARTHY. May I correct the Chair?

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. The Chair asked me if I would be willing to produce all of the material produced by Mr. Schine, minus the names of any confidential informants. I told him I would do that. I will do that. I will not turn this material over to the committee now, in view of the fact that it appears that the names of confidential informants are in it. If the committee of which I am chairman votes that I must turn over the names of confidential informants, then we will take that matter up, but I have no right as chairman of the Permanent Investigating Committee to turn material which the Chair has never asked for over to the Chair. I want to make it very clear that my staff has only had the holidays to go through this. You will see that there is a vast amount of material.

I want to know whether—for example, if Mr. Schine has an informant and if that informant is willing to have his name known, well

and good. Before I would have this material turned over, I would want to know what material is in it.

Therefore, Mr. Chairman, let me say that as chairman of the committee which has jurisdiction of this material, I would like to have at least a few hours to have the staff go through this so I can give you a report of what we have got here.

The Army took 6 months to give us a few names. I think I should have a couple of hours.

Senator MUNDT. The Chair has no idea whatsoever what is in that box, but he does recall that on Friday Mr. Cohn was ordered specifically to produce the material. He was asked whether he could do it, and he said he could. He has had Friday night and Saturday and Sunday and Monday, until Tuesday morning. The Chair is certainly disappointed if Mr. Cohn is unable at this time to comply with the request which was made in lieu of a subpoena.

Senator McCARTHY. Mr. Chairman, Mr. Cohn has complied. You can see he has volumes of material there.

Senator MUNDT. There is no compliance unless it has been delivered.

Senator McCARTHY. Just a minute, Mr. Chairman. Mr. Cohn is my chief counsel. He is not chairman of the Investigating Committee. As chairman of the Investigating Committee, I have the control of the files. The members of my committee can vote what to do with it. I will have to be bound by majority vote. I will not turn the files over to the committee now without knowing what is in them.

I merely ask that we have a bit of time. It is 12:15. I don't think it is unreasonable to have 15 minutes, until 12:30, so I can go over this material during the noon hour. If the Chair will consider that this material is my jurisdiction now——

Senator MUNDT. May the Chair inquire whether during the noon hour you will call together a meeting of the committee to determine the legal process by which, in your opinion, this transfer can be made?

Senator McCARTHY. I want first to go over the material with Mr. Cohn and find out what is here. I haven't had a chance to do that yet. It may be unnecessary to call a meeting of the committee. The Chair knows that I have worked with him very, very closely, and have acceded to many requests which I didn't fully agree with, in order to expedite this matter; and this matter, I am sure, will be taken care of to the satisfaction of all the members of the committee. But, as I said——

Senator MUNDT. The Chair wishes to know what the Senator is suggesting now, because if we are going to recess until 2, we don't want to recess until 2 o'clock and have to recess again. If you can decide with Mr. Cohn in a private conference that you think you have the authority to deliver this material, well and good. If not, the Chair suggests that you arrange to call a committee meeting, say, at a quarter to 2, at which we can determine that.

Senator McCARTHY. May I suggest we continue with the cross-examination of Mr. Cohn——

Senator MUNDT. Counsel advises me that this is the next step in his interrogation; that this is the thing he wants to talk about before turning it over to committee members.

Senator McCARTHY. Then instead of adjourning at 12:30—I can't see the clock from here—it is 12:15 or 12:17—that we adjourn now so I can discuss this matter with my chief counsel and the staff and find

out just exactly what we have here. There certainly is no inclination and no desire to keep any material pertinent to this investigation from this committee.

Senator MUNDT. May the Chair inquire whether, if we do that, you will be ready at 2 o'clock either by action of the committee or by your own action to produce the material which we have tried to get.

Senator SYMINGTON. Mr. Chairman.

Senator McCARTHY. May I answer that, Mr. Chairman?

Mr. Chairman.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. We have, as the Chair can see, a huge box full of material. I am reasonably certain that by 2 o'clock we will be able to handle this matter satisfactorily. I do want to talk to Mr. Carr and to Mr. Cohn, and find out what we have here. I told the Chair I would give him all the material minus the names of the informants and it is impossible for me to look at that box of material and know whether or not there are the names of informants in it. I have told my informants time and time again over the air that their names would not go to anyone who would try to punish them and try to get their jobs. That is still my position. The Chair has not asked for the names of informants. I hope that we can go through that, and perhaps with Mr. Jenkins and his staff decide what is material, and what is not. I hope we can answer that by 2 o'clock.

Mr. COHN. I would be very happy if Mr. Jenkins would work with us on it.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I am not concerned about the Senator's having time to go through the files so that he will know what is being presented or what is being filed or made available to this committee. If he doesn't know and wants time, that is certainly all right. But I do want this understood: Anything filed before this committee, anything presented in response to this request, subpoena, or whatever it is, this Senator is going to look at it if he wants to.

I don't want any misunderstanding about that. I say that to you. I mean what I am saying. I want you to understand it. I want to know when it is filed and when it is not. When it is filed it is going before this committee as a part of the record of this committee, and this Senator is going to see it. If it is not filed that is a different matter, but whenever it goes into the custody of this committee this Senator is going to look at it if he wants to and I am not going to ask Senator McCarthy whether I can or not. I want you to know that.

Senator MUNDT. May the Chair say—

Senator McCARTHY. I think I have a right to answer that.

Senator MUNDT. The Chair has the floor. May the Chair say that any material received in evidence before this committee is received by the committee and is available to the committee members and to the staff of the committee. I don't know anything about what is in that box. I know what we asked for. Whatever we get is available to Senator McClellan, to all the Republicans and all the Democrats, and all the members of our committee staff, of whom there are five.

Senator McCARTHY. May I say to the chairman, the chairman is speaking now as chairman of the special committee, and he certainly has a right to. May I say speaking as chairman of the Special In-



vestigating Committee, that the Senator from Arkansas will not get the names of any confidential informants that I have. This is especially true in view of the fact that since the Senator came back on the committee, he came back since days after Mr. Adams and Mr. Stevens contacted him, he hasn't taken the stand to tell us why he came back, what that conversation was, that is his business and we can't subpoena him to do it. He has made it very clear, however, the Senator from Arkansas has, that he feels that those individuals that give me information about Communists, about traitors, that they should be prosecuted. He has made speeches demanding that they be prosecuted. I want to tell the Senator from Arkansas, in all honesty now, that he will not get the names of any individuals who give me information about graft, corruption, or communism, unless and until he assures me that those names will not be used. Let me make this clear. As far as I am concerned, I don't make memoranda, I don't put those names in the files. I am very careful not to do that. I have been worried about the sort of thing, Senator McClellan, that I have seen here the past few days. I was frankly worried when my three Democrat friends came back on the committee about whether they were coming back to help us dig out graft, corruption and communism, or whether they were coming back upon the request of Mr. Adams and Mr. Stevens. I still don't know. I still don't know, but I want to say very clearly, the Senator from Arkansas will never get the name of anyone who confidentially and in secrecy gives me information about dishonesty, graft, corruption, treason, in this Government.

Senator McCLELLAN. Mr. Chairman? May I say to the Senator from Wisconsin I have never asked him for such names. His implication is false. Secondly, it is false when you imply by any language that you may have used here now, and when I was absent from this committee, that I wanted the name of informants to make public. I never made such a statement. I never thought they should be made public. The Senator knows that. And he knows he was unfair when he made such statements and such implications in my absence.

I do take this position, that I am talking about classified information. If the Senator has a right, as chairman of this committee or as a United States Senator, to have the secret files of this Government, the classified files, dealing with the security of this country, to have them pilfered, and the documents given to him, then I say it will destroy the security system that protects this country at this hour. That is the position I have taken. I take it now. I simply ask your administration to take the facts as revealed by you and let the American people know whether that is the process that this Government and this administration is going to follow. If it is, the people are entitled to know it. And there are a few other Senators that can perform the same conduct if they care to. But I want to point out to you, that I am talking about the basic issue of national security. And if the Senator—if there is information in the files, secret information that the Senator refers to here, marked by some little bureaucrat "classified," in your statement last Friday, that little bureaucrat can be no one else except J. Edgar Hoover. He is the one who marked it classified, and if you want to refer to him to the American people as a little bureaucrat, that is your privilege. But the American people



are entitled to know if it is a little bureaucrat that is controlling this secret information. I would like to know it, too.

But I do say that I take the position that this has become a national issue, as to whether we are entitled to get the classified files and make them public here in hearings of this character. If we are, legally so, then we know how to proceed. We can subpoena every document that the FBI has, and you can carry on. You will get more work from that than all of the Congress divided into committees could possibly attend to. If we are not entitled to it legally, if we are not entitled to get by subpoena, then I raise the question are we entitled to get it by theft? I do not believe we are.

Now, that is the clear-cut issue. As to your informants, I don't want to know their names. I don't care anything about them. I am not concerned about that, people who give you information, and certainly Government employees can give information within their personal knowledge, quite properly, about any Communist in Government. But when he gets that information from a classified document that is marked "secret" and deals with the security of this country, then I wonder, Mr. Chairman.

All I want to know is what this administration interprets the law to be. If they interpret it to be no crime for him to go in there and take that document and make it available, when the committee cannot get it by subpoena, if that is no crime, we are entitled to know it. That is all I want to know. I will be very interested, and I hope it will be expedited one way or the other, in the Attorney General making that decision. I think he has already made it, but I think the American people are entitled to know what the position of this administration is with respect to these secret documents that go to the vital security of our country.

We are entitled to know it on a legal basis and not upon the individual basis of what one citizen may think, one Senator may think, or someone else may think. I hope we will keep this a government of law and order.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. The Chair will recognize the Senator in just a minute, but he wants to call attention to the fact that we are talking about two different committee setups, there was no argument before us about their special investigating committee, and the fact that material received in testimony by subpoena or otherwise is made available to all committee members.

The discussion taking place between Senator McCarthy and Senator McClellan, which Senator Symington now wishes to join—that discussion deals entirely with the regular investigating committee of the Senate, of which Senator McCarthy is chairman.

Senator SYMINGTON. May I proceed, please?

I am trying to get a recognition, please, and I would like to proceed, if I may.

Senator MCCARTHY. A point of personal privilege.

Senator MUNDT. You may state your personal privilege.

Senator MCCARTHY. I think I should be given the right to answer Senator McClellan, without the interruption of Senator Symington. If he has something to say when I am through, good. But it is long-established policy that when a Senator makes a statement, as Senator McClellan made, the Senators may answer. May I have a right?

Senator SYMINGTON. Mr. Chairman, I would like to rise to a point of privilege myself, and I will stay whatever length you like, but I have said nothing this morning of any kind on this critically important point to the Nation's security.

Senator McCARTHY. May I answer Senator McClellan?

Senator SYMINGTON. I would appreciate your letting me know, after Senator McCarthy gets through with his answer, that I would be allowed to proceed before the recess.

Senator MUNDT. The Chair will call on Senator Symington when he has listened to Senator McCarthy. I think Senator McCarthy has a point of personal privilege involved because the personalities involved in this particular conversation at the moment appear to be Senator McCarthy and Senator McClellan. If Senator Symington wants to get into it, I think it will prolong it. But I will call on you after Senator McCarthy.

Senator McCARTHY. Mr. Chairman, as the Chair knows, the Attorney General issued a statement the other day to the effect that the executive has the sole duty and right to enforce the law. That is correct. From that he apparently jumped the huge gap and said that therefore the Congress could not investigate whether or not they are badly enforcing that law. It is because they have the right to enforce the law, and the duty, that the Congress could not examine how they are enforcing it.

I pointed out, Mr. Chairman, previously, that as chairman of the investigating committee I have no choice, under the Reorganization Act I have the duty, but to examine and expose any wrongdoing in the executive branch.

I pointed out that you cannot hide wrongdoing behind a stamp of secrecy. Let's not bring J. Edgar Hoover into this. J. Edgar Hoover made no decision as to whether or not these documents could be made public. That was made by the Attorney General.

Let me finish, please. I didn't interrupt you, Senator McClellan.

I want to make it very clear that while I am chairman of the committee, I will receive evidence of wrongdoing, graft, corruption, treason, from any Government employee who will give that to me. I feel those Government employees have a high duty to do that. They all take an oath, as I recall, to defend this Nation against all enemies, foreign and domestic.

I believe that oath towers far above any loyalty to a superior officer who might be jailed if they give us the facts.

As I said before, back in 1924 we had a situation in which we were not dealing with treason, Mr. Chairman, we were dealing then with the theft of money. The Nation can recover from the theft of money but not from treason. At that time the Attorney General advised President Coolidge not to allow the Congress to know what was going on. He said, "Cover it up; hide it." When the President discovered the Attorney General was involved, he fired that Attorney General. He told committees of Congress they could have all the information, with Cabinet officers to testify. They did, and as I recall, some of those Cabinet officers went to jail.

Mr. Chairman, I do have a very, very serious problem here. I realize that the members of the committee, of the investigating committee, should have access to every piece of information in the files.

I think that should be the rule. I have told the members that they could have complete, free access to all the files; that their minority counsel could have access to all the files. However, when Senator McClellan, as the ranking member—I assume he speaks for the other members when he goes out and says there should be an investigation to determine whether or not I have been guilty of a crime in getting information about Communist infiltration, information, Mr. Chairman, which shows that the security department of the military has been warned time and time again by a very competent FBI that I am guilty of a crime because I let the people know those facts, then I am confronted with the very serious problem of how I can do the two impossible tasks—No. 1, make all files, including the names of informants, available to the members of the committee—and I say in that connection I never put the names of the informants in the files; and, No. 2, protect the informants.

I want to discuss that with my chief counsel today to find out whether or not the individuals named in here give their consent, and also at the earliest possible time I would like to have a meeting with, not this committee, but my investigating committee, which is practically the same in membership, and determine how we can iron out this problem.

In the meantime, may I say, John, that you will not get the names of any informants.

Senator McCLELLAN. May I tell you, I don't want the names of your informants. You get away from the issue. You won't face it. Here is the issue: You said you didn't want the FBI or Hoover brought into it. Here is the record. Mr. Collier, who testified here on the stand, was instructed by this committee to contact Mr. Hoover regarding the document, and here is what he reported back to this committee under oath:

Upon your instructions I communicated with the FBI and expressed my desire to talk to Mr. Hoover. Within a few minutes thereafter, Mr. Hoover called me on the telephone. He stated that the letter to General Bolling of January 26, 1951, was classified by the word "Confidential," and he does not feel that he has any right to declassify it or to discuss its contents.

That is from Mr. Hoover himself regarding the document that came in controversy here.

I hold in my hand a copy of a letter from Attorney General Brownell dated May 13, 1954, addressed to the chairman of this subcommittee, and in it he says:

If the confidential classification of FBI reports and memoranda is not respected, serious and irreparable harm will be done to the FBI.

Senator McCARTHY. What letter are you reading from now?

Senator McCLELLAN. I am reading from a carbon copy, and I will ask the chairman to verify it, of a letter—

Senator McCARTHY. From Brownell?

Senator McCLELLAN. May 13, 1954, from Herbert Brownell, Jr., who is Mr. Hoover's boss, as I understand it. He says:

If the confidential classification of FBI reports and memoranda is not respected, serious and irreparable harm will be done to the FBI.

I have heard you many times praise Mr. Hoover. I don't know whether you meant to suggest that the President, because Mr. Brownell has taken this position and Mr. Hoover takes this position—I don't know whether you mean to imply that they should be fired or



something done with them, as was done with one back in 1924. But may I say to you, Senator, I am trying to settle a basic issue of law. I don't want any of your confidential information. All I want is, let the country get this legal question settled so we can all operate within the law, if that is possible. You say what you will do and what you will not do. I tell you, Senator, that I will not set myself up above and apart from the law. I am going to conform to it. You do as you please.

Senator McCARTHY. Will the Senator yield for a minute?

Senator MUNDT. I think the Chair agreed to recognize Senator Symington next, but before doing so, exercising his prerogative as the Chairman, he again wants to point out that none of the discussion which has occupied us for the last 10 or 15 minutes has anything to do with the issue before this committee. The Chair has already ruled, and nobody has challenged his ruling, that any of the material produced in evidence before these hearings becomes available to all of the members of this committee and to the staff. The discussion we are having deals with a different status altogether, a different committee, a committee headed permanently by Senator McCarthy, the Permanent Senate Investigations Subcommittee. The Chair has agreed to hear Senator Symington. Before doing so, he dismisses Mr. Cohn from the stand so he may go through that box and find out what material should be back at 2 o'clock.

Senator McCARTHY. Senator Symington, as a personal courtesy, will you allow me first to answer the statement by Senator McClellan?

Senator SYMINGTON. I yield to the junior Senator from Wisconsin, Mr. Chairman.

Senator MUNDT. Mr. Cohn, you and your aide may go through the contents so that by 2 o'clock you may deliver the material in answer to our substitute for a subpoena.

Senator SYMINGTON. May I first say it might be well if Mr. Cohn would stay until we get through the points I would like to bring up with respect to the files that are pertinent to the matter that we are now discussing.

Mr. COHN. I will be very happy to.

Senator McCARTHY. May I say to the Senator from Arkansas, it disturbs me greatly to get into an argument here with the ranking Democrat member of my investigating committee. We have gotten along very well for quite a few years now, while the Senator was chairman and while I was ranking Republican member, except for a short period of time this summer. The Senator has quoted from a letter from Brownell in which he says that you can't declassify or make public any FBI letters, or something to that effect. I don't recall the language. I would like to call the Senator's attention to the fact that when Mr. Brownell made his speech out in Chicago naming a dead spy, and then when he was criticized and accused of not telling the truth, accused of lying, he made the files public. He declassified the secret files.

I don't criticize him for doing that. I think those files should have been made public long before that. He didn't give the names of any informants.

My position is that if an Attorney General can declassify a document to expose a dead spy, then he should declassify a document to expose living spies.



May I say to the Senator, I knew it was going to bring up a problem here if we—you talk about violating the law and setting yourself above the law. There is no law that prevents our getting this information.

Senator McCLELLAN. That is what I want to find out, Joe.

Senator McCARTHY. Let me say this: If a Presidential directive, one I think mistakenly made, unwisely made—I don't think this Congress is bound by any Presidential directive of secrecy. When Truman wrote his blackout order in 1948 which protected the Alger Hisses in the Government, I thought he was making a grievous error. When President Eisenhower, whom I respect greatly, passed his secrecy order which went far beyond the Truman order, I thought he was making a grievous error and I felt he was not entitled to do it.

May I say, Senator, just for your benefit, I am not setting myself above any law. I feel that I have an oath as a Senator, an oath as the chairman of an investigating committee. That oath binds me to get information of wrong-doing in Government. I feel that there is no valid directive of any kind which can say that, as chairman of the committee, I must not do that.

If the Congress passes a law and the President signs it, saying the chairmen of these investigation committees must not get information of wrong-doing, that the American people must not know what is going on, that the American people must not hear of treason, that they must not hear of graft and corruption, if we pass that law and it is made a law, then there is nothing I can do except abide by it. But, Senator, I just will not abide by any secrecy directive of anyone. I think you and I have seen and will see Presidents come and go.

In closing, we have a duty to do our job even though we may differ with a perfectly honest version of what the President thinks his job is.

Senator McCLELLAN. We may differ about that, and that is what I think the American people are entitled to have settled, whether you are right or the President is right. That is what I am trying to find out. When you say I am trying to put you in jail, I am asking no such thing. I don't care if you are staying out. No one is afraid of you out any more than they would be with you in, so far as I know. But the point I am making, Joe, is, and you know it, you have reached the crossroads in this thing, and we are entitled in the course of these hearings now, to have this thing settled, if there is any way to settle it.

Senator McCARTHY. Let me have 10 seconds.

Senator McCLELLAN. One other thing. The testimony is here from Mr. Collier, that the document that raised this controversy, is from the highest classification, he is quoting Mr. Hoover, that can be put on a document by the FBI, and he further says that the contents of the 2¼ page and so on, he went on.

You brought up Mr. Brownell disposing of a dead Communist. I was kind of like you. I asked that \$64 question at the hearings, as a member of that committee: Just what public interest did he have in mind to serve by so doing? I have never gotten an answer yet. Do you understand? I may agree with you about that. But we are at the crossroads now in committee investigations and in the administration's position, and I am simply doing nothing, I don't care if you keep all of your information in your head or somewhere else, as far as I am concerned, I want you to understand that—so far as I am concerned, I want to settle a basic issue here that is vital, I think, to the security of this Nation, and settling it right.

Senator McCARTHY. Senator, would you yield for 10 seconds?

Senator McCLELLAN. Yes.

Senator McCARTHY. Would the Senator agree with me, that if this order, the latest order, applies to all investigations, an order which says that if there are two people in Government who get together and contrive, whether it is for graft, corruption, or whatever, they can't be called upon to testify, wouldn't that in effect just end the work of all investigating committees?

Senator McCLELLAN. I will meet you somewhere and discuss it with you, sometime, and see if we can agree. But meantime, it is before the highest law enforcement body of this Government and the President of the United States and I think it should be settled. Whether anybody goes to jail or not, I am not concerned. But I am concerned because I do believe that if a policy is followed that you advocate, and every Senator has that right and every chairman of a committee has that right, I don't believe we can maintain the security system that now has been invoked and used, to try to protect this country.

Senator McCARTHY. A security of crooks?

Senator McCLELLAN. I don't believe Mr. Hoover is a crook. I believe they are doing what they believe to be right.

Senator McCARTHY. I didn't say Hoover was a crook.

Senator MUNDT. May the Chair say that it is a quarter to 1. He promised Senator Symington some time ago that if he insisted on getting into this colloquy, he will recognize him. He now wants the Chair to recognize him. He presumes he will say something critical of Senator McCarthy. If he does, he will give Senator McCarthy 2 minutes to answer him.

The timekeeper will be ready to notify the Chair when to give the 2 minutes to Senator McCarthy.

Senator SYMINGTON. Mr. Chairman, may I now have the floor?

Senator MUNDT. You now have the floor. The rest of us have a date for lunch.

Senator SYMINGTON. The Chair has a very general way of prolonging the hearings, and I must say my admiration for his operation is only exceeded by something else. I would like to say Mr. Cohn is coming back on the stand, and if the Chair agrees, perhaps I could shorten up. I would have nothing that would interest Mr. Cohn except in an indirect way. If he would like to have Mr. Cohn leave, that is all right with me. Would you like Mr. Cohn to leave, Mr. Chairman?

Senator MUNDT. Yes. I would like to have Mr. Cohn leave so he can go through the box and be ready at 2 o'clock.

Mr. COHN. I have no going through it to do sir. I know what is in this box. I know what the material is. I have only to talk with the chairman of the committee about it, sir.

Senator MUNDT. The Chair would be happy to dismiss Senator McCarthy, but he is afraid he won't go.

Senator Symington?

Senator SYMINGTON. Mr. Chairman, first I would make the point that I never would have wanted to serve on this committee in the beginning, I would never have accepted membership on it, if I had not felt that everything that was available to the chairman and the majority of the committee was going to be made available to me. Now, there has been quite a lot of talk recently about talking over the airwaves to people about giving information when they think the

Government is not operating properly. As I said last week, and say again, in my opinion, this is very dangerous. We have gone back to dead spies, we have gone back to 1924. I would be willing to go back to Benedict Arnold, and say that I hope everybody remembers that there can be traitors in the Military Establishment in this country. I would like to urge everybody who is listening to this television, to follow the rules, and the rules are relatively simple.

If a man in the Air Force believes that there is graft or corruption by his superior officer, he can immediately go to the officer superior to him. For example, a captain, if he believes his major is wrong, can go to the colonel, or he can go to the Office of Special Investigations, run by a great young general, and he can complain directly there.

As a matter of fact, the Office of Special Investigations is spread around the country, so that there would not be any effort on his part at the various bases. The same thing is true in the Army. If a captain or a sergeant or a private feels that their superior officer or anybody else is acting improperly, they can go around their normal supervision and go to another officer, or in the case of the Army, they can go to G-2, which is also around the Army, and in the case of the Navy, they can go to the Office of Naval Investigations, either directly at headquarters or through one of the many branches that are established for just that purpose. In the case of graft or corruption, or unfair treatment, it is important that they do it.

In the case of subversion or disloyalty it would be even more important. That is the pattern. It has worked for the last 150 years in our Government. It did pretty well in many wars, including World War I and II. I would urge that they do it that way and no other way.

Finally, if they feel that the entire establishment, Military Establishment, under their Secretary and their Chief of Staff, and the Secretary of Defense, and the Commander in Chief, is just no good, and that they should correct that, then they can go to either the Department of Justice or to the Federal Bureau of Investigation, and they can make their charges there.

So they have at least the four definite steps set up where their charges can be made without going out of the executive branch, and then of course the executive branch decides whether or not that should be given to the legislative bodies, or the legislative body can ask for it.

I am not protesting about anybody giving any information anywhere, but I do think that it ought to be done on the basis of the laws of the land.

Now with respect to these files. Thursday afternoon we were told that the Democratic members of the committee—that it was their responsibility after the Crouch letter was introduced, to know what was in the files. And our counsel asked that he see the files on Thursday. He was told that the files in question were not in the normal files, and that therefore they could not be seen at that time.

On Friday there was a great deal of testimony, and now we are back on the question of these charges. On Friday there was a great deal of testimony as to whether or not the improper pressures which the Army said were utilized with respect to Private Schine were justified. The witness made his statements that they were justified, based



on committee business. It was then requested that the files be turned over to committee counsel. That was refused by Senator McCarthy without subpoena. Thereupon a subpoena was issued in the lunch period on Friday to get the files.

At the time it was issued and it was served, Senator McCarthy told the person who served it that he would not honor it. We then went ahead to the best of our ability on Friday afternoon to find out what was in the files to verify the statements made by the witness as to what Private Schine was doing when he was off of the base on the various times that he was allowed to leave with the premise that he was going to do committee business. We did not get anywhere on Friday with respect to that, so Saturday morning, the minority counsel went to the committee and asked, to the committee chambers, and asked that he be allowed to see the files in question. He was told at that time that neither he nor any members of the committee, and it is my understanding not Mr. Jenkins, the counsel for the committee, could see the files.

So since then we have had 1, 2, 3—3 days pass since the last request. I must say, Mr. Chairman, that I think there is an extraordinary interest in not showing these files, considering the importance of the files with respect to the information and the whole basis on which these hearings are being held.

Senator MUNDT. The Chair will recognize Senator McCarthy for 2 minutes, and at the end of 2 minutes the timekeeper will notify the Chair, and the Chair will notify the audience that we are in recess for 2 minutes.

Senator McCARTHY. Do you mean that after this long diatribe, the Chair arbitrarily gives me only 2 minutes to answer?

Senator MUNDT. We are supposed to have a lunch hour here pretty soon. The Chair recognizes from experiences of the past that colloquy can go on endlessly between you and the Democratic members of the committee.

Senator McCARTHY. I think I can cover it in 2 minutes, Mr. Chairman, but I don't want any new 2-minute rule applied only to the Senator from Wisconsin.

Senator MUNDT. It applies to this request. I will recognize you for 2 minutes.

Senator McCARTHY. Mr. Chairman, this plea of Senator Symington's to keep information about wrongdoing, graft, and corruption secret from the Congress, to keep it within the Department, is so fantastic, so dangerous, that I am going to ask the young man, who has done a great job of prosecuting criminals, to try to answer it. I think the 2-minute rule is unreasonable, but I will yield the 2 minutes to Mr. Cohn.

Mr. COHN. I can't possibly answer in 2 minutes. I need a little bit more. I think it is important. I think it would be unfair to us to let Mr. Symington's statement stand over the lunch hour when some of them, sir, are not so.

Senator MUNDT. You may proceed and see what you can do in 2 minutes.

Senator SYMINGTON. Just a minute, Mr. Cohn. You say some of the statements I have made are not so. Let's start right there. What is it that I said that isn't so? I tried very hard to state the facts



as I was given them, and if they are incorrect, let's get the true facts on the table.

Mr. COHN. Right, sir.

As Senator Symington knows, I have always had a great deal of respect for him, and that is why I was very sorry to hear him say what he just did. I believe Senator Symington said—and I thought he was addressing it to me—that we are trying to keep these files back, that there is a reluctance on our part, and that that is to be interpreted in some way as bearing on the issue of what Dave Schine was doing when he was supposed to be working on Senate business.

Senator SYMINGTON. I did not address my remarks to you. In fact, I suggested—

Senator MUNDT. Mr. Cohn has the floor. He was limited to 2 minutes, and the Chair will grant 2 additional minutes because of the interruption. After all, Mr. Cohn has the floor and is entitled to answer.

Senator SYMINGTON. The witness said I made a mistake, and he said I was addressing my remarks to him. If I made a mistake, I stand corrected, but I do believe if he said I was addressing my remarks to him, inasmuch as I said he could leave if you thought that was all right, then I ought to be allowed to say I wasn't addressing my remarks to him, especially because of your great sudden hunger you want us to leave as soon as he finishes.

Mr. COHN. I have no objection.

Senator MUNDT. The Chair believes, in the first place, as he has said before—and he wants to reiterate now so there is no mistake about it—none of this colloquy has anything to do with any issue before the committee. It is all entirely irrelevant to the issue.

Senator SYMINGTON. I specifically disagree with that. I think the question of the files and when we obtained the files and why we waited 4 days for the files after the testimony, is as close to anything that has ever come up in this hearing with respect to the charges at hand. Mr. Chairman, I know that I am not going to win this with you, because you have the gavel and you have the chair, and therefore I am ready to go to lunch.

Senator MUNDT. The Chair would simply like to say very clearly again that there is no argument about these files. Whatever is submitted to the committee is submitted to all members of the committee. They all have access to it.

Mr. Cohn, because Senator Symington interrupted you when you were trying to answer him, he believes now you should be entitled to make your reply without interruption, however long it be, at which time we shall recess.

Mr. COHN. It won't be long, and I hope I will never say anything on this subject again.

I want to say, I don't mind being interrupted by Senator Symington at any time if he feels I am not making an accurate statement.

On the issue here, sir, I think Senator Symington has known me long enough, I hope, to know that I will always tell him the truth. I have sworn under oath, and other witnesses will do likewise, that when Dave Schine was out working on committee business, that is what he was doing. He was not in Florida, he was not in the Stork Club; he was working on subcommittee business.

The Army has produced not one word to show he wasn't, because they can't.

Now, sir, I have my testimony, and I am open to cross-examination on that in full detail. I want to make it very clear that in any request I ever made, I have never abused my oath of office and my obligation to this committee.

As far as these files are concerned, there is no reluctance on my part in producing them. I am anxious to produce them to show the committee the amount of work, and I think a number of members know about it, that Dave Schine did well, and did for nothing, for this committee, and work which he did in the very limited period he had when he was in the Army, getting up early, doing his basic training, and at the same time, after hours, instead of recreation and other things, giving his time to the subcommittee.

Now, sir, the final thing I wish to say is this: I heard a name here used a great deal this morning which means a good deal to me. That is the name of John Edgar Hoover. In the work I have done in communism, the work I have done with boys, some of whom are in this room, who have prosecuted these cases against spies, the Rosenberg case, the Remington case, the U. N. case, and the others, along with me, there is one man above all others whom we worship, and that is J. Edgar Hoover, because over a period of years and years, long before it was a popular thing to do, that is the man who has been the leader and the spearhead of the fight against Communist infiltration in our Government and in this country.

It is when the reports prepared under the direction of J. Edgar Hoover have been ignored by Government agencies and by the heads of those Government agencies—it is when that situation arises that, without the work of congressional committees such as this, Alger Hiss and William W. Remington, to my personal knowledge, would not be in jail today.

I worked on the Remington case, sir, as a member of the executive branch, as a member of the Department of Justice, and I know, sir, that that case was broken by this very committee because Remington's superiors ignored FBI reports, and had it not been for this committee, this Communist spy would never have been exposed.

I know, too, sir, that Alger Hiss would not be in jail today were it not for the work of a congressional committee.

I know, too, sir, that Edward Rothschild, who has invoked the fifth amendment as to whether or not he is a Communist espionage agent, would still be handling the secrets of this committee—would still be handling the secrets of the Government Printing Office, would still be handling classified work from the Army, the Navy, CIA, and other places, unless Senator McCarthy and Senator Dirksen had come back to Washington during the summer and received information from people working in the Government Printing Office who knew that these FBI reports, which undoubtedly bore stamps of secrecy, had been violated and ignored over a period of years.

Unless Senator McCarthy and Senator Dirksen had gotten that information and done that job, this man who was a fifth amendment Communist and a fifth amendment spy, would to this very minute be working and handling the secrets of this country in the Government Printing Office.

I never before, sir, from the staff level, saw any conflict between our duty and the duty of the executive. I understood the duty of this committee to be that of stepping in where—I am sure the instances are few—the executive might fail to act on FBI reports and things of that kind.

In a very limited way, sir, our staff has tried to carry out that duty. The staff are a handful, sir, of hardworking boys who work day and night up against probably hundreds and thousands of people who work over in the Army and in other places.

This handful of people down there, who work day and night and weekends, have brought about the removal from defense plants of Communists. They have brought about the removal from Government agencies and from the Army of Communists and spies. Sir, it is hard to hear them criticized for having done that job. They have done it as best they know how and in keeping with the law of the land and in keeping with the mandate of this committee to investigate inefficiency and failure to act on the part of the executive.

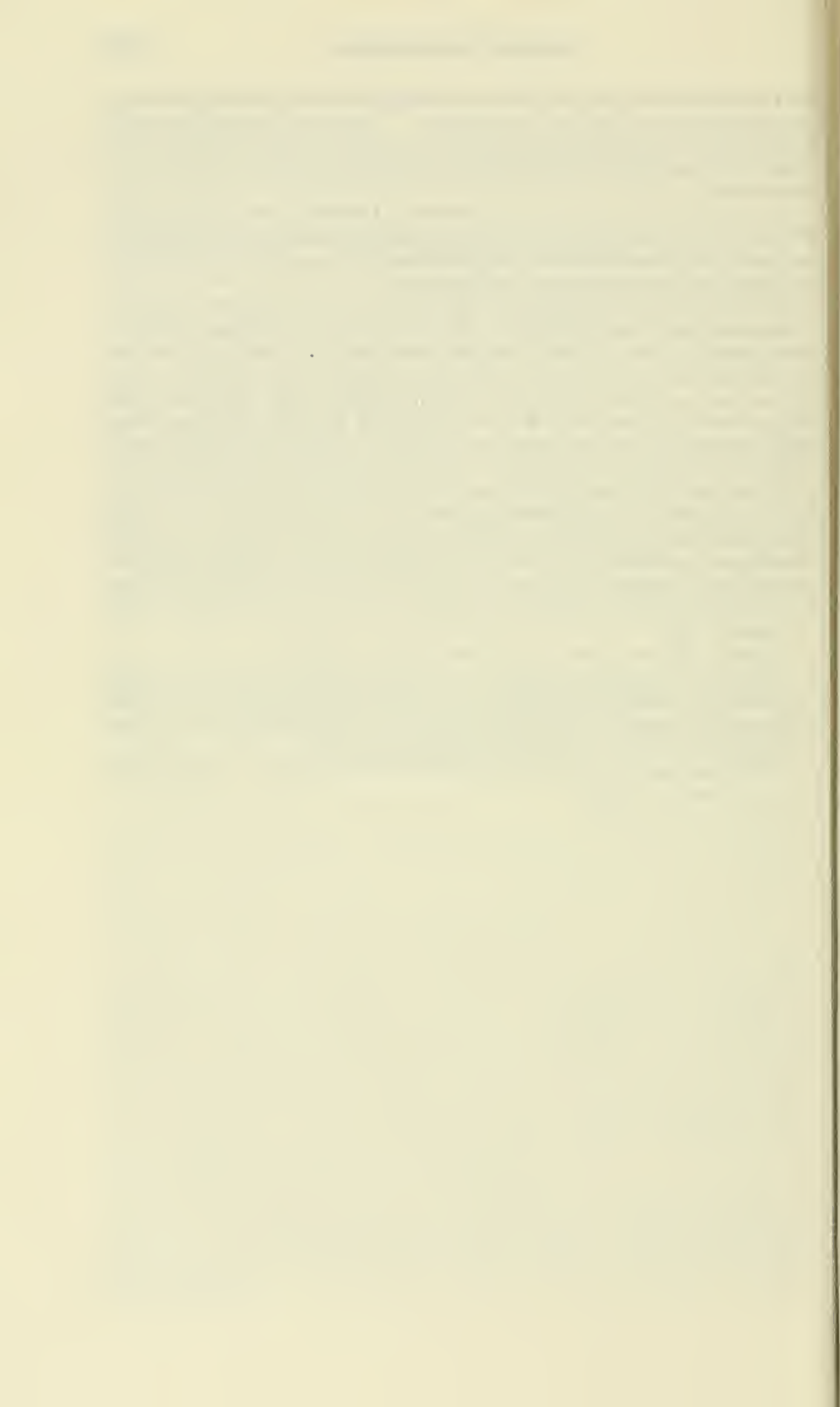
I am sure, sir, that John Edgar Hoover and the FBI and what they have stood for would be the last people to criticize this or any other congressional committee for pointing out to the American public the fact that Government agencies have ignored FBI warnings and failed to act on the basis of information which Mr. Hoover had given to them.

I want to thank you, Senator Mundt, for giving me the opportunity to clarify this.

Senator MUNDT. We stand in recess until 2 o'clock.

Senator SYMINGTON. Before we recess, I would like to say that I am entirely in favor of any Government employee coming here with unclassified material as a last resort, but as a court of first resort I don't think this is the right place for it, in the Congress.

(Whereupon, at 1 p. m., the committee was recessed, to reconvene at 2 p. m. the same day.)





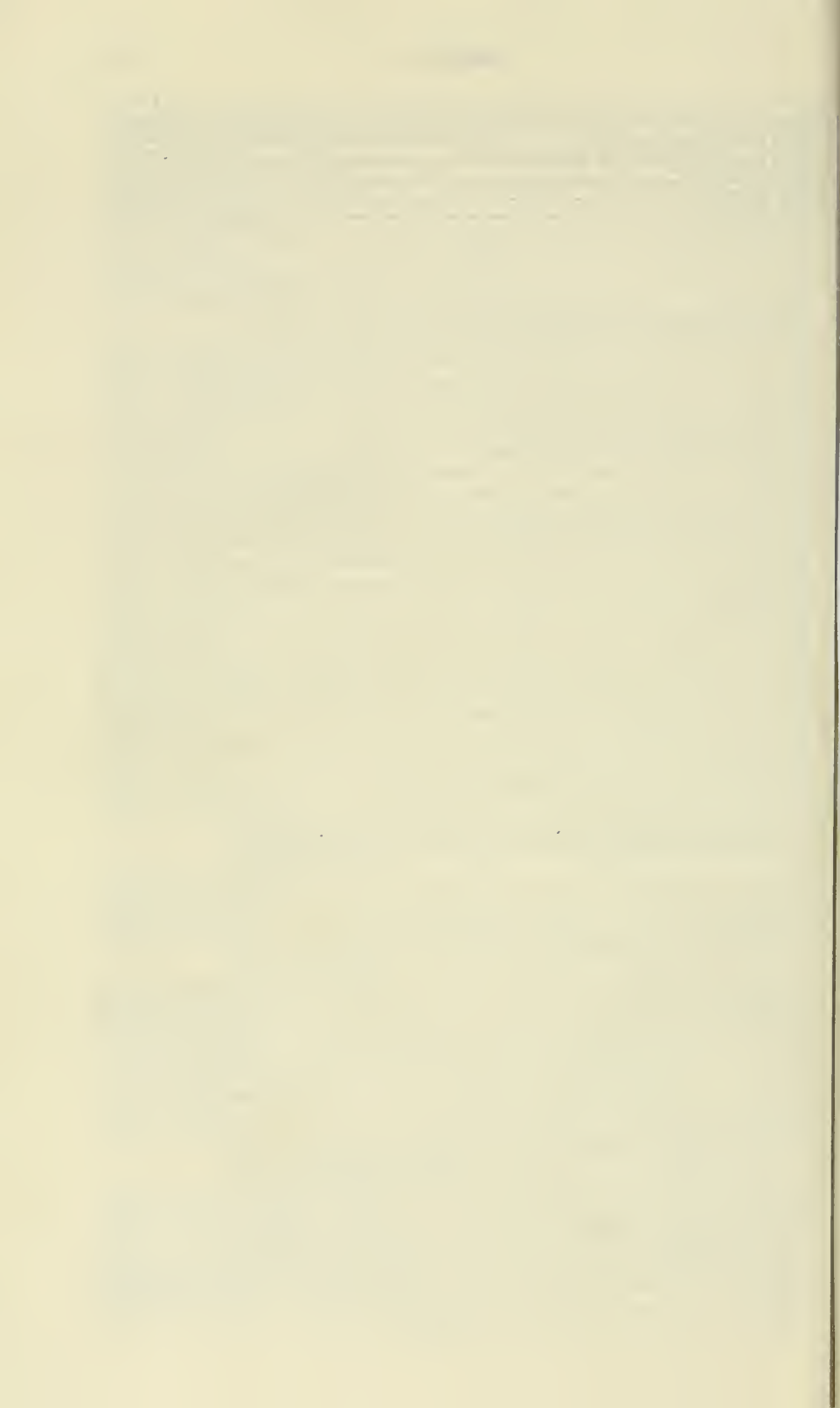
# INDEX

	Page
Adams, John G.....	1740-1761, 1764-1771, 1776, 1777, 1782
Air Force (United States).....	1789
Amberst.....	1760
Army (Office of Special Investigations).....	1789
Army (United States).....	1740, 1746, 1747, 1749, 1751, 1763, 1764, 1766, 1767, 1770-1773, 1775, 1776, 1780, 1789, 1790, 1792, 1793
Army Intelligence (G-2).....	1789
Army press conference (November 13).....	1740
Army Transport Service.....	1765
Arnold, Benedict.....	1789
Attorney General.....	1779, 1783-1786
August Moon (show).....	1754
Bigart, Homer.....	1740
Blount, Lieutenant.....	1769, 1761, 1763, 1764
Bolling, General.....	1785
Boston, Mass.....	1744
Brooklyn, N. Y.....	1754
Brownell, Mr.....	1779, 1785-1787
Cabinet officers.....	1784
Camp Gordon.....	1768, 1769
Carr, Francis P.....	1743, 1744, 1750-1752, 1757-1760, 1765, 1769, 1771, 1777
Central Intelligence Agency (CIA).....	1774, 1792
Chicago, Ill.....	1786
Christmas holidays.....	1760
CIA (Central Intelligence Agency).....	1774, 1792
CID.....	1769
Cohn, Roy M., testimony of.....	1740-1793
Coleman, Aaron.....	1747
Commander in Chief.....	1789
Communists in Government.....	1783
Communist infiltration.....	1744, 1785, 1792
Communist investigation.....	1762
Communist Party.....	1744, 1762, 1779, 1782, 1783, 1785, 1787, 1792, 1793
Communist spy.....	1792
Communists.....	1744, 1762, 1779, 1782, 1783, 1785, 1787, 1792, 1793
Congress of the United States.....	1783, 1784, 1787, 1790, 1793
Coolidge, President.....	1784
Corr, Lieutenant.....	1757
Counselor to the Army.....	1740
Crouch letter.....	1789
Department of the Army.....	1740, 1746, 1747, 1749, 1751, 1763, 1764, 1766, 1767, 1770-1773, 1775, 1776, 1780, 1789, 1790, 1792, 1793.
Department of Justice.....	1745, 1789, 1792
Department of State.....	1775
Dirksen, Senator.....	1792
Eisenhower, President.....	1779, 1787
Eisenhower directive.....	1779
FBI letters.....	1786
FBI reports.....	1785, 1792, 1793
Federal Bureau of Investigation (FBI).....	1772, 1783, 1785-1787, 1789, 1792, 1793
Fifth amendment spy.....	1792
First World War.....	1789
Fort Dix.....	1746, 1749, 1760, 1762, 1773, 1776
Fort Monmouth.....	1740, 1750, 1755, 1768, 1769

	Page
G-2 (Army Intelligence)-----	1789
Government Printing Office-----	1792
Herald Tribune-----	1740
Hiss, Alger-----	1787, 1792
Hoover, J. Edgar-----	1782, 1784, 1785, 1787, 1788, 1792, 1793
Jackson, Senator-----	1777
Justice Department-----	1745, 1789, 1792
K. P. (kitchen police)-----	1763, 1764
Lawton, General-----	1754-1759, 1769
Legislative Reorganization Act-----	1779
McCarthy, Senator Joe-----	1740, 1741, 1744, 1750-1752, 1754, 1756-1759, 1765, 1772, 1775-1788, 1790, 1792
Memorial Day-----	1774, 1777
Merchants Club (New York City)-----	1742
Military Establishment-----	1789
Miller, Lieutenant-----	1761, 1762
Navy (United States)-----	1789, 1792
New England-----	1741
New York City-----	1741-1746, 1753-1756, 1759, 1760, 1767
Newspaper strike (New York City)-----	1742, 1743
Office of Naval Investigations-----	1789
Office of Special Investigations (Army)-----	1789
President of the United States-----	1740, 1771, 1779, 1784, 1785, 1787, 1788
Presidential directive-----	1740, 1787
Press conference (Army, November 13)-----	1740
Press release (Stevens)-----	1740, 1742
Reber, General-----	1765, 1767
Remington, William W.-----	1792
Remington case-----	1792
Ringler, Colonel-----	1761, 1763
Roosevelt, President Theodore-----	1779
Rosenberg, Ethel-----	1792
Rosenberg, Julius-----	1792
Rosenberg case-----	1792
Rothschild, Edward-----	1792
Ryan, General-----	1748, 1767
Schine, G. David-----	1745-1750, 1754, 1756, 1757, 1759-1779, 1789-1792
Second World War-----	1789
Secretary of the Army-----	1740-1742, 1746, 1749, 1751, 1752, 1758, 1761, 1763, 1765, 1768, 1770, 1771, 1776, 1777, 1782, 1789.
Secretary of Defense-----	1789
Sioux Falls, S. Dak-----	1759
State Department-----	1775
Stevens, Robert T.-----	1740-1742, 1746, 1749, 1751, 1752, 1758, 1761, 1763, 1765, 1768, 1770, 1771, 1776, 1777, 1782, 1789.
Stevens' doublecross-----	1749, 1765
Stevens' press release-----	1740, 1742
Stork Club (New York City)-----	1791
Tea House (show)-----	1754
Truman, President-----	1787
Truman blackout order (1948)-----	1787
United Nations case-----	1792
United States Air Force-----	1789
United States Army-----	1740, 1746, 1747, 1749, 1751, 1763, 1764, 1766, 1767, 1770-1773, 1775, 1776, 1780, 1789, 1790, 1792, 1793.
United States Attorney General-----	1779, 1783-1786
United States Commander in Chief-----	1789
United States Congress-----	1783, 1784, 1787, 1790, 1793
United States Department of Justice-----	1745, 1789, 1792
United States Department of State-----	1775
United States Military Establishment-----	1789
United States Navy-----	1789, 1792
United States Office of Naval Investigations-----	1789

	Page
United States Office of Special Investigations (Army)-----	1789
United States President-----	1740, 1771, 1779, 1784, 1785, 1787, 1788
United States Secretary of Defense-----	1789
Washington, D. C-----	1741-1747, 1760, 1776, 1922
World War I-----	1789
World War II-----	1789









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